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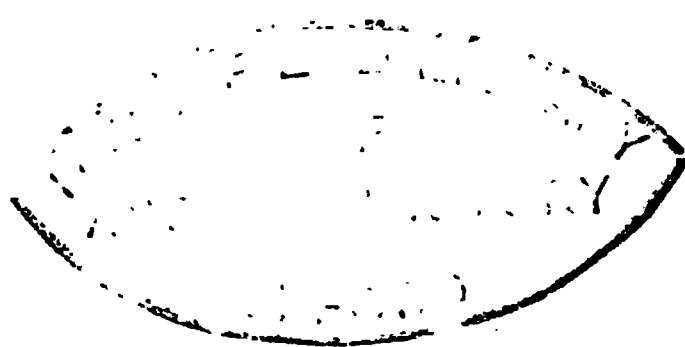
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Storer sc Cambridge

THE HISTORY OF ROME

BY

B. G. NIEBUHR

TRANSLATED

BY

JULIUS CHARLES HARE, M.A.

AND

CONNOP THIRLWALL, M.A.

FELLOWS OF TRINITY COLLEGE, CAMBRIDGE.

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M.DCCC.XXXI.



Ceterum, si, omisso optimo illo et perfectissimo genere eloquentiæ,
eligenda sit forma dicendi, malim, hercule, C. Gracchi impetum aut
L. Crassi maturitatem, quam calamistros Mæcenatis aut tinnitus Gallionis.

TACITUS, *Dial. de Oratoribus.*

TO HIS MAJESTY
FREDERIC WILLIAM THE THIRD,
KING OF PRUSSIA,

THIS WORK
IS MOST RESPECTFULLY DEDICATED.

A HISTORY of Rome, set forth with truth and vividness, in broad and clear outlines, free from the incumbrance of multifarious details, might be esteemed no less worthy to engage the attention of a prince, than profound and comprehensive descriptions of the most important epochs of modern times. Not so, critical investigations into the dark periods of remote antiquity; not so, a work which, while it approaches close to particular objects that it may examine them, is seldom able to take its stand where rich and wide prospects expand before the eye.

But gratitude inspires courage; and in this feeling I ventured to solicit your Majesty's gracious permission for the dedication of this work.

Your Majesty's favour has afforded me the happiest leisure: it enabled me to become familiar with Rome: and the two Universities—that of Berlin, the opening of which led to my undertaking this work, and that of Bonn, to which it is my pride to belong as a free associate—are Your Majesty's noble creations.

Thus this history owes its existence to the Gracious King, to whom I devote it, with feelings faithful as those of a native subject, and with a lively recollection of every favour with which Your Majesty has distinguished me.

P R E F A C E.

THE History of Rome was treated, during the first two centuries after the revival of letters, with the same prostration of the understanding and judgement to the written letter that had been handed down, and with the same fearfulness of going beyond it, which prevailed in all the other branches of knowledge. If any had pretended to examine into the credibility of the ancient writers and the value of their testimony, an outcry would have been raised against such atrocious presumption. The object aimed at was, in spite of every thing like internal evidence, to combine what was related by them: the utmost that was done was to make one authority in some one particular instance give way to another, as mildly as possible, and without leading to any further results. Here and there indeed an independent mind, like Glareanus, broke through this fence; but inevitably a sentence of condemnation was forthwith pronounced against him: besides the men who did so were not the most learned; and their bold attempts were not carried with consistency throughout. In this department, as in others, men of splendid abilities and the most copious learning conformed to the narrow spirit

of their age: their labours extracted from a multitude of insulated details, what the remains of ancient literature did not afford united in any single work, a systematic account of Roman antiquities: what they did in this respect is wonderful. And this is sufficient to earn them imperishable fame: for he that would blame their not being more independent of their age, is blind to the common lot of mortals, from which none but the favorites of the gods are exempt; and they mostly have to pay for this blessing by persecution. On the other hand in the way of history strictly so called little was produced,—dry compilations concerning the times where the books of Livy were lost, and detached observations which led to nothing beyond.

In the latter half of the seventeenth century Philology entered upon a kind of middle state between the period of her earlier greatness within her exclusive sphere,—where, having accomplished whatever was to be accomplished in this manner, she consequently fell into decay,—and that of a new, richer, and more comprehensive greatness, for which she was to be indebted to the developement of other sciences, although for a while they overshadowed her: this like all middle states was one of uneasiness and depression. Bentley, and a few more, who were in part the creators of the new age, in part the preservers of the knowledge the old one had left behind, stood as giants amid a generation of dwarfs. Intellect and science during that century were everywhere coming out of their nonage: men were taught by great examples to look things in the face, and to pursue their researches with freedom; to regard the books, which till then had made up the scholar's whole world,

as merely pictures of a part of the living universe which could not be directly approached; to exercise their own understanding, their own reason, their own judgement in everything. Nor was the field of Roman history left unvisited by this youthful spirit of freedom: it is undoubtedly to the pervading activity which prevailed during the latter part of that century, that we owe the first work which, while it discusses an abundance of details, enters into a general examination of what this history is and may be made: I mean the masterly inquiries of Perizonius; a book which, like other products of genius, is unsurpast and classical in the kind wherein it was the first. However though we here feel the breath of that spirit which in those days was everywhere awakening, Perizonius had advanced far beyond his age; and Bayle, who twelve years after pointed out the contradictions and impossibilities contained in a few portions of the earliest history of Rome, makes no use and takes no notice of him: neither does Beaufort, although his sole attention was directed to that object which Bayle merely fixt his eyes on for a few hours, among a thousand others of the same kind.

Beaufort was ingenious, and had read much, though he was not a philologer: one or two sections in his treatise are very able and satisfactory, others on the contrary feeble and superficial. Bayle is the master whom he implicitly follows throughout: the soul of his book is scepticism: he does nothing but deny and upset: or, if he ever tries to build, the edifice is frail and untenable. Yet the influence and reputation of his book spread extraordinarily: for Roman history had almost entirely escaped the attention and care of

philologists; those who chiefly interested themselves about it, though not more so than about that of other nations, were intelligent men of the world; and for their use it was at that time handled by several authors, without pretensions or view to learning and research. Such of these as did not wholly overlook the earlier centuries, under the notion that they were of no importance, were so satisfied with Beaufort's inquiry as to give them up altogether. Gibbon's history, which even in a philological point of view is a noble masterwork, left this region untouched.

The end of the last century was the opening of a new era for Germany. Men were no longer satisfied with superficial views in any field of knowledge; vague empty words lost their currency: but neither was the work of destruction, which had given pleasure to the preceding age, in its anger against the continuance of an authority founded only on usurpation, any longer held to be sufficient: my countrymen strove after definite and positive knowledge, like their forefathers; but it was after true knowledge, in the room of that imaginary knowledge which had been overthrown. We had now a literature, worthy of our nation and our language: we had Lessing and Goethe: and this literature comprised, what none had yet done, a great part of the Greek and Roman authors, not in mere copies, but as it were reproduced. For this advantage Germany is indebted to Voss, whom our late posterity must extoll as their benefactor: with whom a new age for the knowledge of antiquity begins; since he succeeded in eliciting out of the classical writers what they are wont to presuppose, their notions of the earth for instance and of the gods,

their ways of life and their household habits: and understood and interpreted Homer and Virgil, as if they were our contemporaries, only separated from us by an interval of space. His example wrought upon many: upon me, ever since my childhood, it has been enforced by personal encouragement from this old friend of my father.

Previous ages had been content to look at the ancient historians in the way many look at maps or landscapes, as if they were all in all; without ever attempting to employ them as the only remaining means for producing an image of the objects they represent: but now a work on such subjects could not be esteemed satisfactory, unless its clearness and distinctness enabled it to take its stand beside the history of the present age. And the time was one when we were witnessing many unheard of and incredible events: when our attention was attracted to many forgotten and decayed institutions by the sound of their downfall; and our hearts were strengthened by danger, as we became familiar with its threats, and by the passionate intensity given to our attachment to our princes and our country.

At that time philology in Germany had already reached that highth, which is now the boast of our nation. It had recognized its calling, to be the mediator between the remotest ages, to afford us the enjoyment of preserving through thousands of years an unbroken identity with the noblest and greatest nations of the ancient world; by familiarizing us, through the medium of grammar and history, with the works of their minds and the course of their destinies, as if there were no gulf that divided us from them.

In this manner, although Greek literature long possessed an almost exclusive preference, the critical treatment of Roman history, the discovery of the forms of the constitution which had till then been misunderstood, was a fruit that time had been maturing: and a multitude of fortunate circumstances combined to foster its growth. It was a time full of hope, when the university of Berlin opened: and the enthusiasm and delight in which months rolled away, while the contents of the first volumes of this history were digested for lectures, and worked up for publication;—to have enjoyed this, and to have lived in 1813,—this of itself is enough to make a man's life, notwithstanding much sad experience, a happy one.

In this state of delight the meaning of many an ancient mystery disclosed itself: but yet more were overlooked: in much I erred: a still greater part was left in a disjointed condition feebly supported by proofs. For my knowledge was the unsatisfactory knowledge of one who had been self-taught, and who as yet had only been able to devote such hours to study as he could withdraw from business: and I had reached my mark like a man walking in his sleep along a battlement. That these defects, and the overhasty composition of the first volume, which had compelled me to introduce sundry corrections in the sequel of the work itself, did not hinder its reception being on the whole very favorable, is a proof that the revival of Roman history was in accord with the spirit of the age: nay our age may discern itself to be immediately called by Providence to this inquiry, inasmuch as, within the eleven years since it commenced, three new and rich sources have been

opened to us by the publication of Lydus, Gaius, and Cicero's Republic: whereas centuries had previously elapsed without adding to our means of knowledge.

To these defects of my work I was far from blind: the points however attacked by those who criticized it, were by no means the weak ones, but often the soundest and strongest. My being aware of these faults, and desirous to make use of the new discoveries, was the main reason which retarded the continuation: for it was necessary that, before I proceeded, the first volume should be written anew. Meanwhile I was living in Italy, and being at Rome was too much taken up in gazing and receiving impressions to work with energy at books. Besides I fancied I should never be able to proceed without the happiness I had once enjoyed, when the point on which an inquiry hinged would come forward into a clear light while I was conversing with Savigny, and I found it so easy to ask many a question, so cheering to complete an embryo thought and to try its worth. On my return to Germany I drew up the plan of the third volume, preparing the way for it by remodelling the first, and correcting the second.

This new edition, in which it has been my aim to make all the proofs and solutions satisfactory, required very extensive labours: but as all labour is lightened when new springs of activity are imparted, so this was mainly promoted by my lectures on Roman antiquities last winter. The words of Pyrrhus to his Epirots—*Ye are my wings*—express the feeling of a zealous teacher toward hearers whom he loves, and whose whole souls take part in his discourse. Not only are his researches

promoted by the endeavour to make himself clear to them, and to utter nothing as truth which can admit of a doubt: the sight of them assembled before him, the personal relation in which he stands to them, awaken a thousand thoughts while he is speaking: and how different a thing is it to write down words which had previously been poured forth as the fresh thoughts prompted them!

The work I here lay before the public is, as the first glance will shew, an entirely new one, in which scarcely a few fragments of the former have been incorporated. It would have been far easier to preserve the groundwork of the first edition; I resolved on the more difficult task, as the most expedient, from its giving unity and harmony to the whole. That whole, made up of this and the next two volumes, is the work of a man in his maturity; whose powers may decline, but whose convictions are thoroughly settled, whose views cannot change: and accordingly I wish that the former edition may be regarded as a youthful work. Our friends are often more tender-hearted toward us than we are ourselves: and perhaps one or two may regret some things that have been destroyed and cast away: more than once it was with a lingering hand that I overthrew the old edifice: but what was built on suppositions ascertained to be wrong, could not be permitted to remain; nor was it allowable to preserve it by slipping some other prop under, so as to efface the appearance of the original foundation.

The further continuation down to the term I have now set before me, I may, if it please God and his blessing abide with me, confidently promise; although

the progress may be but slow. It is the work of my life; which is to preserve me a name not unworthy of my father's: I will not lazily abandon it.

When a historian is reviving former times, his interest in them and sympathy with them will be the deeper, the greater the events he has witnessed with a bleeding or a rejoicing heart. His feelings are moved by justice or injustice, by wisdom or folly, by coming or departing greatness, as if all were going on before his eyes: and when he is thus moved his lips speak, although Hecuba is nothing to the player. Would it were acknowledged that the perfect distinctness and clearness of such a vision destroys the power of obscure ideas and indefinite words! that it precludes the silly desire of transferring out of ages of a totally different character what would now be altogether inapplicable: that, to retain the poet's simile, it precludes fools from coming forward as knight-errants, to avenge the sorrows of Hecuba. If any one, after being reminded of this, persists in misapprehending my meaning, he must be dishonest, or at least very simple. Of the principles on which the political opinions in my work are formed, there is not one that may not be found in Montesquieu or Burke: and the proverb, *quien hace aplicaciones, con su pan se lo coma*, is enough.

It is with a solemn feeling that I close this preface with the words which fifteen years ago closed that of the first edition: the repetition of them "brings back the images of joyous days, and much-loved shades rise up before my soul."

There is an inspiration which proceeds from the presence and the converse of beloved friends; an immediate action upon our minds, whereby the Muses

are revealed to our view, awakening joy and strength in us, and purging our sight: to this my whole life long I have owed whatever was best in me. Thus it is to the friends in the midst of whom I returned to studies long resigned or faintly pursued, that I owe the result if it has been auspicious. Therefore do I bless the beloved memory of my departed Spalding: therefore too allow me openly to express my thanks to you, Savigny, Buttmann, and Heindorf, without whom and without our deceased friend I should certainly never have had the courage to undertake this work, without whose affectionate sympathy and enlivening presence it would hardly have been accomplished.

BONN,
December 8, 1826.

In this new edition none of the results which were delivered with any degree of positiveness in the former have been retracted: but some new ones, along with sundry insulated additions, have been inserted, which tend to complete those formerly gained: several of the views have become more definite, and the representation and expression of them clearer. Thus it will serve as a firmer foundation on which the following volumes may be raised without props or other outworks.

April 9, 1828.

THIS reprint of the first volume, which the Translators hope will speedily be followed by the second, comprehends the additions made in the third edition of the original. In the notes which are not numbered they have inserted some references to ancient authorities, mostly to passages made use of in the text: and they have added a map, founded on that given by the Author in his first edition, which may be of use to the Reader of the first part of the volume. The general remarks on Roman history subjoined to this preface form the lecture with which the Author originally ushered in the publication of his researches; and as he has recently inserted it in the first volume of his philological tracts, the Translators have thought it advisable to introduce an essay throwing so much light on the spirit with which the work was first entered upon, and has been pursued.

I HAVE undertaken to relate the history of Rome: I shall begin in the night of remote antiquity, where the most laborious researches can scarcely discern a few of the chief members of ancient Italy by the dim light of late and dubious traditions; and I wish to come down to those times when, all that we have seen spring up and grow old in the long course of centuries being buried in ruins or in the grave, a second night envelopes it in almost equal obscurity.

This history in its chief outlines is universally known, and by very many, at least in part, immediately from the classical works of Roman authors, so far as their remains supply us with a representation of many of the most brilliant or memorable periods of republican and imperial Rome. If the whole of these works were extant, and we possess a continuous narrative in the histories of Livy and Tacitus, extending, with the exception of the last years of Augustus, from the origin of the city down to Nerva, it would be presumptuous and idle to engage in relating the same events with those historians: presumptuous, because the beauty of their style must ever lie beyond our reach; and idle, because, over and above the historical instruction conveyed, it would be impossible to have a companion through life better fitted to fashion the mind in youth, and to preserve it in after-age from the manifold barbarizing

influences of our circumstances and relations, than such a copious history of eight hundred and fifty years written by the Romans for themselves. We should only want to correct the misrepresentations during the earlier ages, and to sever the poetical ingredients from what is historically sure and wellgrounded: and without presumptuously appearing to vie with the old masters, we might draw a simple sketch of the constitution, and of the changes it underwent at particular times where Livy leaves us without information or misleads us. But as those works are only preserved in fragments; as they are silent concerning periods in the importance of their events perhaps still more prominent than those which we see living in their pages; as the histories of those periods executed by moderns are unsatisfactory and often full of error; I have deemed it expedient to promote the knowledge of Roman history by devoting a course of lectures to it. A doubt might be entertained whether it were better to give a connected narrative, or merely to treat of the portions where we are left without those two historians. I have determined in favour of the former plan; trusting that I shall not lead any of my hearers to fancy he may dispense with studying the classical historians of Rome, when he has gained a notion of the events which they portray, and hoping that I may render the study easier and more instructive.

Much of what the Roman historians set down in the annals of their nation must be left out by a modern from that mass of events wherein their history far surpasses that of every other people. Under this necessity of passing over many things, and of laying down a rule for my curtailments, I shall make no mention of such

persons and events as have left their names a dead letter behind them without any intrinsic greatness or important external results; although a complete knowledge of every particular is indispensable to the scholar, and many a dry waste locks up sources which sooner or later he may succeed in drawing forth. On the other hand I shall endeavour to examine the history, especially during the first five centuries, not under the guidance of dim feelings but of searching criticism: nor shall I merely deliver the results, which could only give birth to blind opinions, but the researches themselves at full length: I shall strive to lay open the groundworks of the ancient Roman people and state, which have been built over and masked, and about which the old writers preserved to us are often utterly mistaken; to execute justice in awarding praise and blame, love and hatred, where party-spirit has given birth to misrepresentations and thereby to false judgements after upward of two thousand years; to represent the spreading of the empire, the growth of the constitution, the state of the administration, of manners, and of civility, according as from time to time we are able to survey them. I shall exhibit the characters of the men who were mighty in their generation for good or for evil, or who at least distinguished themselves above their fellows. I shall relate the history of the wars with accuracy, wherever they do not offer a mere recurring uniformity, and, so far as our information will allow, shall draw a faithful and distinct portrait of the nations that gradually came within the widening sphere of the Roman power. Moreover I shall consider the state of literature at its principal epochs, taking notice of the lost as well as the extant writers.

When Sallust, after much bitter affliction endured in the service of the state, resolved to withdraw from public life, and returning with a composed mind to his favorite pursuits undertook to relate certain passages in the history of his country*, he found it necessary to prove to his fellow-citizens—for only some few solitary Greeks and a small number of western Europeans read Latin—that the deeds of the Romans were not eclipsed by those of the Greeks. A century earlier Polybius had endeavoured, but probably in vain, to set before the eyes of his countrymen how far the greatness of Rome went beyond every thing that history had previously known, and that too not merely nor chiefly from the extent of her empire. That the Greeks, even if they had not been blinded by animosity and hatred against their foreign conquerors, should have thought slightingly of a history devoid at that time of the grace and life of eloquent narrative, which embellish the exploits of their own ancestors, and without which even the most eventful recorded story can no more be fully felt than a lyrical poem without a musical accompaniment,—this was the natural result of their lively, airy character, and their entire devotion to beauty. It is remarkable however that among the literary public of Rome, whose approbation Sallust wished to gain, overbearing as the Roman national pride was, the same tone of feeling and complete ignorance of their forefathers greatness prevailed. Yet, strange as this may appear, it may be explained without difficulty: and he himself has given us the solution, under the

* Catil. iv.

silent conviction no doubt that with his history a new state of feeling would arise among the Romans. At that time with the exception of Cato's *Origins*, which must have had the same charm of raciness as the best of our old chronicles, they found no historian in their own language readable*. And certainly the chief part of them may have been exceedingly meagre and tame. But even the honest good faith of the ancient writers was incapable of affording enjoyment in those days, when the readers at Rome had totally lost all relish for simplicity, being trained solely in the study of Greek literature, and having their minds formed not by its noble classical works, but by the glitter and tinsel of a degenerate style, full of point and ingenuity, which at that time was the fashion among the Greeks, the teachers and living models they were familiar with. As the poets rescued the heroes of old from the night of oblivion, so did that great national historian, whom Sallust preceded, rescue the deeds and the great men of Rome. It is hardly too much to affirm that Livy first taught the Romans what a history they had. Their great actions and victories were now encircled by the graces of his bewitching style with the noblest ornaments of republican and civic virtues,—hightened through his wish of beholding in the times of his ancestors the remains of the brazen age coming down almost to his own days;—with a gravity and a dignity which surpass the great men of Athens with their unconcealed human failings and weaknesses, and threw them into the shade, as much as the conquest of vast

* Cicero de leg. i. 2, 3: where even Cato is not exempted from the general condemnation.

empires and fierce nations did the passionate struggles between petty republics: for the wonders of the Persian war soon passed with the Romans for an impudent fable*. The middle ages and Italy on its regeneration, being unacquainted with the attractions of the Greek historians, bestowed all their admiration on the history of Rome: as if fate had meant to make amends to her ancient heroes for the indifference of their posterity in the age which had been drawn away from them by a foreign literature. There is little learning, but only the more simplicity and sincerity, in the reverence with which the Italians of the middle ages at the dawn of learning pronounced the great names of Rome: perhaps they only felt the more intimate with them, because without refining, without regarding the difference of manners and times, they invested their noble spirits with the relations and almost with the forms of their own contemporaries and fellowcountrymen; just as they viewed the imperial power of their own days as an unaltered continuation of the empire of the Cæsars. In Dante's eyes Virgil was a Lombard, as even later the painters portrayed the Romans in the dress of their own times: the people honoured Virgil's tomb and his memory, as that of a powerful and beneficent magician. Even Petrarch, and he no doubt consciously, cherishes the delusion that the unity of the nation was unbroken except by time: he looks on Stefano Colonna as an old patrician, and on Rienzi as a tribune of the people. It was not till the following century that antiquity was disentangled from this confusion with the present time: and as every germ

* Who does not remember Juvenal's jeer?

was then expanding with prodigious vigour, a few of the learned speedily gained the most distinct and liveliest view of the character of ancient Rome which we can hope on the whole to attain to, much as has since been brought to light which may furnish us with more accurate information. Since the time of Sigonius however the history of ancient Rome has owed but little to scholars: it escaped from their hands, and fell, in a few fortunate cases, into those of great statesmen; but mostly of ordinary historians.

One must not disguise from oneself that during the last two centuries, instead of gaining in distinctness and completeness, it has rather lost. The old Italian philologers, whose whole being was impregnated with the spirit of ancient Rome, and who were inspired with something like a faculty of divination even by the classical ground they trod on, had framed an idea of the ruined building from its fragments, and in clearing away the rubbish had restored it in their minds. The want of this idea injured the works of those who wrote on Roman history as politicians; and thus the history itself was corrupted. Of this Machiavel's *Discorsi*, though so full of subtile and profound remarks, are a signal instance; since he talks, always indeed most ingeniously, but very often of things which never existed. I mention him in this place, because, though he lived in an age when philological learning was at its highth, he was always a stranger to its spirit. Montesquieu, with pretensions to accurate historical information, and therefore likelier to do harm by establishing erroneous opinions, is full of mistaken views, and when he speaks of any facts very often utterly misleads us: an opinion which I do not deliver for the

sake of detracting from his fame; for it will rather augment it to find that a candid reader must still admire him, even after he has acquired the strongest conviction on these points from his own investigations. That we do not understand the ancients, unless we frame distinct notions of such objects of their everyday life, as we have in common with them, under the forms their eyes were accustomed to; that we should go totally astray, if (as the middle ages did, and, since so many things were still unchanged, might do without being equally deceived) we too, on reading of a Roman house, a Roman ship, Roman agriculture and trade, Roman dress, or the interior of a household in ancient Rome, conceived the same notions which answer to those words in our own days,—this everybody must feel: but the paralogisms occasioned by the use of equivocal terms go much further than the outward form of things. The ideas on which the institutions of the Roman state and its administration were founded, ideas which in most cases are presupposed in the historical accounts, and are very rarely, nor ever except in particular instances, explained, were no less different from ours, than the Roman dwellings, clothing, and food. And as there is nothing the Asiatics find it harder to conceive than the idea of a republican constitution, as the Hindoos are utterly unable to look upon the India-Company as an association of proprietors, or in any other light than as a princess, so it fares with even the acutest of the moderns in the history of antiquity, unless by critical and philological studies they have stript themselves of their habitual associations. Thus the condition of the Roman provinces and of their governors

was so remote from our usages, that, although perhaps none but a statesman is capable of interrogating history on such matters, and of divining the meaning of fragments which to the compiler would always be a mystery, yet, unless he himself makes researches and is qualified for making them, his notions on these points will either be false or vague and incoherent. For instance the state of the law concerning landed property and the public domains at ancient Rome differed to such a degree in its peculiarities from the rights and institutions we are used to, that the confounding our ordinary notions of property with those of the ancients, a confusion from which Montesquieu did not keep clear any more than Machiavel before him, gives rise to the most grossly erroneous opinions on the most important questions of Roman legislation: opinions under which the voice of justice must pronounce condemnation against actions and measures perfectly blameless, or an indistinct feeling of enthusiasm for great and noble characters must plead in behalf of the most dangerous projects and undertakings.

When the Greeks had fallen under the dominion of Rome, the question whether her greatness was a gift of fortune, or had been achieved by her own efforts, by her virtue as it was termed, employed the writers who regulated the opinions of readers and of society in the unwarlike and idle East. It was an idle question; not started in the sense in which Mithridates in later times may probably have meditated on it: whether all resistance must be unavailing? whether an unalterable destiny had decreed that Rome should be the mistress of the world? or, what was scarcely

less fearful, whether the unmatched excellence of her national spirit and of her institutions assured the Roman armies of being victorious for ever? The question merely busied such as, wishing to get rid of their shame at the disgraceful manner in which they had sunk into their present wretchedness, pretended that want of energy, of virtue, and of understanding, was a mere secondary consideration in a case determined by an irresistible fate: at the same time after the manner of slaves, like Xanthias in the comic poet*, they sought their highest gratification in eavesdropping, in telling tales of their masters, and in cheating them. Polybius, who had been in earnest, who was true to his cause, but yielded to the overpowering force on which the foolish rashness of his countrymen, stirred up as they had been by the thoughtless and the profligate, had wrecked, felt his indignation excited by the chattering of such writers: and one of the purposes of his history was to make it clear to the Greeks, that the greatness of Rome was not founded on any fatality, but on firmness of will, on sage institutions, and unwearied diligence in preserving, bettering, and applying them. In so doing however he did not bestow any praise for actual virtue on the Romans of his age: and if he now and then expresses himself with an enthusiasm that surprises us in a man placed as he was, we must reflect that his whole character was thoroughly practical, altogether destitute of that fervour and that imaginative feeling with which the Athenians contemplated even what was going on before their eyes, but still more what was removed from them

* Aristophanes *Ran.* 750 foll.

a short distance into the past. This very deficiency caused those imperfections of his work, which in the opinion of his countrymen made him only a secondrate historian. He found everything ripe for destruction in all the states which were afterward swallowed up in the Roman empire; and as he was conscious that he himself along with but a very few kindred souls had vainly resisted the stream, as he felt bitter scorn for Calliocrates, Diæus, Critolaus, and the others by whose various delinquencies the calamity was brought on, while he admired Scipio and Cato and Paulus Æmilius, his incorruptible judgement on some occasions has more than the mere look of want of feeling. The moderns, Machiavel for instance and Montesquieu, seem to have revived that question, though in a somewhat different sense, and carry their admiration of the Romans and their institutions to a pitch of the strongest partiality. The austere frugality of the ancient republicans, their carelessness about the possession and the pleasures of wealth, the strict regard for law among the people, its universal stedfast loyalty during the happy centuries when the constitution, after the pretensions of the aristocracy had been curbed, was flourishing in its full perfection,—the sound feeling which never amid internal discord allowed of an appeal to forein interference,—the absolute empire of the laws and customs, and the steadiness with which nevertheless whatever in them was no longer expedient was amended,—the wisdom of the constitution and of the laws,—the ideal perfection of fortitude realized in the citizens and in the state,—all these qualities unquestionably excite a feeling of reverence, which cannot be equally awakened

by the contemplation of any other people. Theirs was no state of unnatural constraint, such as under the laws of Sparta, where in the opinion of other Greeks the contempt of death was natural, because death burst an intolerable yoke: it was a system on the contrary which fostered a rich growth of true individual happiness, of manly enjoyment free from sensuality. Other constitutions, perhaps no less perfect, produce a less imposing effect upon us from the honour they pay to wealth: nations of manifold capacities and buoyant spirit cannot escape faults, from which singleness of aim is the only preservative: and in the events of times past we are more sensible of faults than of deficiencies. Thus it is quite natural that, even setting aside the splendour wherewith power and victories are always surrounded, we should look up admiringly to the Romans of the good times of the republic. They bear a great resemblance in their virtues to the Arabs under the early caliphs: but the latter had no constitution by which to maintain themselves. The Romans for centuries were compressed into a compact body: the Arabs were never thus concentrated; they scattered themselves abroad over half the world, and degenerated rapidly. Yet after all if we bring those times vividly before our minds, something of horror will still mingle with our admiration: for those virtues from the earliest times were leagued and compromised with the most fearful vices; insatiable ambition, unprincipled contempt for the rights of foreigners, unfeeling indifference for their sufferings, avarice, even while rapine was yet a stranger to them, and, as a consequence of the severance of ranks, inhuman

hardheartedness not only toward slaves or foreigners, but even toward fellowcitizens. Those very virtues prepared the way for all these vices to get the mastery, and so were themselves swallowed up.

Now, while in forming a just estimate of the Romans we must not lose sight of these dark shades in their character, and must therefore limit our assent to their praises, we are also forced, though in a different sense from the Greeks, to ascribe a large share in producing their greatness to fate. Through the whole of their history we shall see how often all the virtues of the state and of the people would have been ineffectual, unless destiny had saved Rome in her perils, and paved the way for her triumphs. The nations and the men before whom Rome might have fallen appeared too late: in the periods of her weakness she had only to fight with adversaries no way above her: and while Rome staked everything on the cast, and war was her natural state, other nations husbanded their efforts, because they despaired of victory, or at the bottom of their hearts loved nothing but effeminate sloth, whatever their illjudged enterprises might seem to imply. No one among them all came against her with a like spirit and a like purpose; and this alone was enough to make Rome subdue them all. Philip's inaction at the beginning of the war with Hannibal,—that of Mithridates so long as the Marsian war threatened Rome, and a slight additional weight would have turned the scale,—these are events in which we must recognize the finger of God. For that Rome was not naturally unconquerable, was demonstrated by the resistance of a few truly warlike nations, who were

only overpowered by superiority of numbers and force. As it was however, even these wars served in the intervals between the greater and more decisive ones to keep discipline and the art of war from declining, as during a long peace they naturally would in the Roman as well as in other armies.

In the progress of events, when the Roman conquests are consolidated into one mass, the history entirely loses the moral and poetical interest of the earlier centuries: indeed it had already been disturbed for some time by convulsions and atrocities and the decay of every national virtue. It seems to be the order of the history of the world, that conquests and divers intermixtures are to fuse the numberless original races together, and to exterminate such as cannot be amalgamated: and this the Roman dominion has effected in a greater extent and degree than any other mighty general revolution, even than the Arabian. Seldom will a particular people be a gainer by such an intermixture: some sustain the irreparable loss of a noble national civilization, science, and literature: and even a less cultivated people will hardly find that the refinements thus imported, which moreover if they are suited to its genius it might have attained of itself, will make amends for the forfeiture of its original language, and hence of its original character, its national history, and its hereditary laws. This loss was first felt by the Roman provinces: but the population of Rome and of Italy being recruited out of their inhabitants and out of freedmen, Rome suffered in an equal degree: it became so estranged from its early times and their history, that even in the third

century of our era a humble panegyrist without fear of giving offense could express a doubt whether his master, whom he compared to the great Scipio, had ever heard of the second Punic war*: and that Valens could employ Eutropius in drawing up a meagre outline of Roman history, to supply his ignorance of it. Nevertheless, though the Roman dominion crushed much, we must gratefully acknowledge what it has created and preserved. It founded or infused life into almost all the towns which are standing at this day within its ancient limits. The languages of western Europe, springing from the Latin, kept its literature accessible, and made its revival possible. Nay it was undoubtedly the Roman dominion that preserved Greece and the writings of the Greeks: for if the East had not been protected by the forces of a great empire, the barbarians would probably have overrun these depopulated and enfeebled countries in very early times, or at all events infallibly at the period of the great migrations, and then along with the degenerate Greeks would have swept away the treasures they were preserving for a reviving world. The Roman law was a great advantage at least for the Romanized nations; nor will the Germans ever be able to dispense with it, since they have not matured that of their own ancestors, and have lost its spirit: and that the union of the Roman world was necessary to the spreading of religion, that Rome as its centre enlightened and softened the whole West, will scarcely be questioned or denied now by the impartial. Thus we can look back on this great period of history with the consoling

* Panegy. Maximiani, 8.

thought, that the ensuing generations, whose ancestors had suffered and perisht, were the gainers by what was finally establisht.. It is idle to talk of possible events, which were stifled in the germ: and so we will not deplore that all have lost many an unreplaced and irreplaceable treasure: we will not ask whether the richest crop of good that after-ages may have reaped can compensate for the sufferings of down-trodden generations. At all events we do not turn away our eyes from those times with so much of gloom and doubt, as from the fate of devastated and desolated Asia, whose fairest regions, abandoned even by the vital powers of nature, and dying away year after year, are shut out from the very possibility of more prosperous times—where history closes in the grave.

Of the German nation however, with regard to such of its races as did not forsake their home, or did not drop their character while living among the Romanesque nations they had conquered, we may assert that for the war which they waged during centuries against Rome, they have in aftertimes been more than rewarded by the benefits accruing from the union of the world under Rome; and that without this and the fruits that ripened in it we should hardly have ceased to be barbarians. It was not by the forms which our ancestors at the diffusion of letters imported from thence and from classical ground, that the noble peculiarities of our national genius, peculiarities for which nothing can compensate, were smothered; those forms were not irreconcilable with them: but secondhand artificial spiritless Frenchified forms and tastes and ideas, such as even

in earlier times had crept in amongst us and overlaid those which were homesprung, these are the things that for a long time have made us lukewarm and unnatural. And so, while other nations look back on the Romans as holding a place among their progenitors, we too have no slight personal interest in their story.

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THE HISTORY OF ROME.

I HAVE undertaken to write the history of Rome; from the earliest ages of the city, down to the time when the sovereignty of Augustus over the Roman world was undisputedly acknowledged. I begin, where the contiguous settlements formed by divers nations were preparing the growth of a new people: my goal lies, where this people had incorporated millions with itself, and had given them its language and its laws; where it ruled from the rising unto the setting sun, and the last of the kingdoms that arose out of Alexander's conquests, was become one of its provinces. Long before any historical record of particular individuals occurs in those ages, the forms under which the commonwealth existed, may be recognized with certainty: so firmly, and for centuries indelibly, were they imprest upon every thing, and so entirely was the individual identified with the community. At the close of the period I purpose to embrace, the nation resolves into a fermenting mass, which, now that its soul has abandoned it, is daily losing its form and mouldering away.

Numberless are the events and the changes through which the Romans passed from one of these limits unto the opposite: vast destinies, mighty deeds, and men who were worthy to wield a gigantic power, have preserved the memory of much in the story of Rome, even during the most ignorant ages. But in the early part of it poetry has flung her many-coloured veil over historical truth: afterward a multitude of vain fictions, no less

than of popular legends under a variety of forms, are combined with the outlines of dry chronicles, and with the scanty results drawn by one or two genuine historians from authentic documents: often they are irreconcilable and easily discerned; but at times there is a deceitful congruity: in no history is it later comparatively before we reach what is actually certain. Yet this does not make it necessary to give up as hopeless the most important of all histories for the largest part of its duration. Provided only that no pretension be set up to such a thorough exactness in minute details, as in truth is of no value to us, much may be ascertained in those periods, dark as they are, on historical evidence no weaker than what we possess for contemporary events in Greece: and this we are bound to attempt.

It is in making out the internal history and condition of the state, that we may be the most successful; even more so than in the same inquiries as to the Greeks. Few nations have, like the Romans, brought their life to a close, without its being cut short by the dominion of a stranger: among these few none has lived with such fulness of strength. No other state has existed so long, preserving all the elements of its being unextinguished: numerous and manifold from the first, they live on till their natural decease; whatever has outlived itself is removed; and something similar is planted where a place has been left empty, or where new ground has been enclosed. Thus the state keeps up its youth, and continues substantially the same, while evermore renewing itself; until it comes to a stoppage and a standstill; and now the indestructible energy of life is followed first by languour, then by deadly sickness. Yet during the very ages the story of which we can hardly do more than guess at, there was such a proportion and correspondence among the various parts of the state, that when a few traces and remains of intelligible import have been brought to light, safe and certain conclusions may be

drawn from them concerning other things, from which it is not in our power to clear away the rubbish, or of which the lowest foundation stones have been torn up: just as in mathematics if but a few things are given, we may dispense with an actual measurement.

As rivers are received into the sea, so the history of Rome receives into itself that of all the other nations known to have existed before her in the regions around the Mediterranean. Many appear there only to perish forthwith: others maintain their existence for a while, mostly in a struggle; but the contact sooner or later proves fatal to them. A historian of Rome must not leave such as wish for a representation which shall give meaning to the names of these nations, and for a view of their condition and character, to seek for it in other works, where perchance it may not be found: his business is to exhibit the best image of them producible by research and reflexion; that the reader may not content himself with an empty name, or with notions caught up at random.

Livy had no such aims: what moved him to write, was that nature had gifted him with a highly brilliant talent for seizing the characteristic features of humanity, and for narration; with the imaginative power of a poet, though without the facility of versifying, or the love of it. He wrote, with no feeling of doubt, yet without conviction, bringing down the marvels of the heroic ages into the sphere of history; as was commonly done even by those who in what belonged to their own times and experience were anything but credulous, at a period when the careless belief of childhood continued undisturbed throughout life. Even those primitive ages when the gods walked among mankind, he would not absolutely reject: all that was related of the more recent, provided it was not inconsistent with man's earthly condition, he only held to be less full and certain, but of the same kind with the records of accredited history.


The constitution he altogether neglected, save when forced by the internal dissensions to turn his eyes upon it. and on such occasions his view and judgement were biassed by the prejudices of the party he had been attached to since the first recollections of his youth, against the men who, from bearing the same name, were regarded by him as in fact the same, with those he justly deemed the worst among the conflicting bad in the times of general corruption. Lastly, though in his later books he gave descriptions of unknown countries, such as Britain, drawn from oral accounts, during the remoter ages he took no pains to procure any distinct conception of the nations or states he had to speak of.

His wish was, to banish from his thoughts the degeneracy of his own days, by reviving the recollection of what had been glorious or excellent in the past; while the ease and security wherein the weary world was beginning to breathe again, could not but comfort him in his sadness as he was portraying the fearful events of the civil wars: he was desirous of teaching his countrymen to know and admire the deeds of their ancestors, which had been forgotten, or were heard of only from lisping narratives: and he bestowed on their literature a colossal masterwork, with which the Greeks have nothing of the kind to compare; nor can any modern people place a similar work beside it. No loss that has befallen us in Roman literature, is comparable to that which has left his history imperfect.

Yet had the whole been preserved, we should still find inducement to frame a Roman history suited to our needs. For in order that the story of an age which has wholly passed away, may be to us like that of the age we live in, in order that the Roman heroes and patriots may appear before us, not like Milton's angels, but as beings of our flesh and blood, we now require something more and something else, beside what we read in his inimitable narrative: and who can fail to perceive that in this narrative

there is much which now after eighteen hundred years will not dwell in the memory of any reader, however interested in the subject? The devising and fabricating for ourselves the wants of another age, even though we rank it higher than our own, and the disclaiming and refusing to satisfy the wants we actually have...such habits make us helpless and joyless, and are childish. To vie with Livy as a historian, to fancy that the lost portions of his work might be replaced, if our materials were only richer, would be ridiculous. But there is no presumption in undertaking carefully and laboriously to examine, to combine, and thus to vivify our poor and fragmentary notices; in order that by such means, during the periods where we have nothing better, that image, which readily arises where the material is plenteous and fine, may still come forth living and complete in all its essential members.

How far I may succeed, is at the disposal of a higher power. But to these researches I owe the most animated days in the prime of my life; and since the continuation of this work will fill up my old age, as Livy's creation did his, it is a pledge that my latter years will also be fresh and cheerful. He who calls departed ages back again into being, enjoys a bliss like that of creating: it were a great thing, if I could scatter the mist that lies upon this most excellent portion of ancient story, and could spread a clear light over it; so that the Romans shall stand before the eyes of my readers, distinct, intelligible, familiar as contemporaries, with their institutions and the vicissitudes of their destiny, living and moving.



ANCIENT ITALY.

THE Romans are not esteemed to belong to any of the Italian nations: the writers who talk with credulous simplicity about the people of Romulus as a colony from Alba, still do not on that account ever reckon them among the Latins; and in the traditions of the oldest times they appear as equally strangers to all the three nations in the midst of which their city lay. Hence their history, if it merely aim at giving an epical tale of actions and events, may certainly stand alone; and thus almost all the ancients who treated on it, have severed it from that of the rest of Italy. But to no glory had the Romans less claim, than to that of the Athenians, of being an original and peculiar people: if they belonged to no nation, it was only because, as even their fables and disfigured legends afford us the means of perceiving, they arose from the coalition of several that were wholly distinct from one another¹. Each of these left its peculiar inheritance of language, institutions, and religion, to the new people; which in the complex of its national character was assuredly always unlike any of its parent races. The previous history of those nations would therefore be a fitting

! This was the ground for the contemptuous assertion made by certain spiteful Greeks, which Dionysius argues against, that the Romans were no nation at all, but a conflux of outcasts from all sorts of people, *σύνκλυδες*. (I. 89.) It is the same taunt from which Josephus defends his country against Apion, who maintained with good reason that much the largest part of the Jews in Palestine and Egypt were not sprung from the small colony sent back into Judea under the Persians, but from individual proselytes. Apion belonged to a people who had kept themselves unmixed: and from him the contempt for such as were without ancestry is intelligible; in Greeks it was sheer malice.

preparative for that of Rome, even if the latter had never extended beyond the city. But the tribes that peopled Italy were lost in the light of the city, and the nation formed by its citizens spread itself abroad over the whole peninsula: the Romans whose story we know from contemporaries, were descended with very few exceptions—among the masters in oratory or poetry there is none but Cæsar—from allies who had been incorporated by the Romans: so that we cannot commend the historians of antiquity, for attending only to the stream that gave its name to the river, and overlooking all the tributaries, even when they were far mightier. We may and we must censure those, who, while they recorded tales having merely some local connexion with Rome, left the story of the fall of the Umbrians, and of the rise and greatness of the Sabelians and Etruscans, to sink unheeded into oblivion. Nor would the history of these nations interest us solely from the importance of the events: Cicero, himself a Volscian, was aware that his countrymen and the Sabines, that Samnium and Etruria, had no less reason than Rome to boast of their wise and great men; and it cannot have been by the Pontii alone that the Samnites were raised to a level with the Romans. But saving an obscure recollection of them, all the heroes and sages of the Italians and Tuscans have been forgotten; scarcely has a dubious name been anywhere preserved. With regard to the difference of the races however, their migrations and conquests, notices are to be found scattered over almost the whole field of ancient literature, as well as on monuments. To collect these, and to weigh them candidly, and thus in some measure to obtain a substitute for the information we have the misfortune to want, is the more needful, because these subjects have always been treated arbitrarily, injudiciously, nay but too often dishonestly: and these inquiries, and such accounts as can be drawn from them, form a necessary introduction to a Roman history by a modern writer.

Cato the censor, the first apparently who wrote the history of his country in the Latin tongue and in prose, interwove therein, on the occasions, as it would seem, when the nations and cities of Italy came forward in Roman story, what he had learnt concerning the origin and movements of the former, and the foundation of the latter². To him we are indebted, even where he is not named, for a considerable part of what has come down to us on these subjects. The time he lived in was very favorable to his undertaking: the Etruscans, Oscans, and Sabellians were still existing as nations; and although to be a Roman citizen was esteemed the highest of all privileges, yet the dignity of the other states had not yet disappeared, nor had the recollections of their old times become matter of indifference to the later generation. These nations, as well as Rome, had their fasti and chronological registers: mention is made of their annals³: and in places which had not, like Rome, forgotten their old language, and only preserved fragments from the general wreck, these may have gone further back than the Roman. Now if they merely grew up from year to year under the hands of the magistrates or the priests, they must have been scanty, but, so far as they extended, the more authentic. There is however a very high probability, that among nations like the Oscans, who were familiar with Greek art, and like the southern Sabellians, whose cultivating Greek philosophy even as authors must assuredly be something

² Hence, with the exception of such as concerned the Ligurians and the Alpine tribes, these notices found place partly in the first book, which contained the history of the kings, partly in the next two, which related the Italian wars. This division is evidently the model copied by Appian in arranging the books of his history, the first three of which embrace the same subjects. And thus we are to conceive that, if Cato's *Origins* followed the order of time, it was only by accident: for instance the Illyrian war must have occurred in the sixth book, not in the fifth.

³ Prænestine books, though in the Latin language indeed, are cited by Solinus p. 9. G.; a history of Cuma, by Festus v. Romam. The Etruscan annals will be spoken of hereafter.

more than a mere groundless fable⁴, historians both in Greek and in their native language had arisen, long ere the commencement of a literature at Rome. That literature was in the prime of its youth before the Marsic war; and yet learning and the rhetorical arts are said to have been still more flourishing among the Latins⁵; a name including at least all those Italians who had adopted the use of the Latin language. The wish of a leading personage, like Cato, to have books communicated to him, and, where he needed it, translated, was a command to the subjects of Rome.

Original documents and inscriptions on brass and stone supplied still richer and surer materials for history than books: many such have come down to us in languages that we cannot understand, a mere dead treasure; and in those days little of this sort can have perished, at least in the central parts of Italy, where most of the towns had suffered but slightly either at the time of their conquest or during Hannibal's war. At Athens attention had been turned toward this source of strict historical information for a century and a half before, ever since the Athenian history had reached its close: but the Romans were blind to their own documents; and those of Italy can scarcely be reckoned among Cato's materials.

Sixty years after he wrote, came the Marsic war; and that was followed by the times of Sylla. Those terrible ravages, which spreading from place to place visited every region of Italy, and by which the citizens of the principal towns were entirely swept away, must also have proved destructive to monuments of every kind, especially to writings: in many districts the population was changed. Such was the final vengeance on Samnium;

⁴ Not that I mean to answer for the individual Pythagoreans said to have existed among the Lucanians.

⁵ Cicero de Orat. III. 11. Nostri minus student litteris quam Latini. pro Archia 3. Ferentinatis populus res Græcas studet: says the comic poet Titinnius in Priscian VII. 12. p. 762.

such the end of the persevering resistance opposed by Etruria to Sylla's tyrannical and shortsighted resolution to do away with every thing that in the course of ages had been yielded to circumstances, of her struggle to maintain the rights she had been rewarded with for standing aloof from the cause of Italy. The old Etruscan nation with her science and her literature ceased to exist: the nobles, who had taken the lead in the common cause, fell by the sword: military colonies were established in the large towns, and the Latin language became the only one prevalent: the greatest part of the nation was stript of all landed property, and reduced to pine in poverty under foreign masters, whose oppression deadened every national recollection in the degraded generation that followed, and left them no other wish than that of becoming Romans altogether⁶. The Oscan language indeed had not entirely disappeared at Pompeii and Herculaneum when they were destroyed: Gellius seems to mention the Tuscan as a tongue still living in his days*; but writings and monuments in it were as unintelligible as those in Punic or Iberian, and were allowed to perish equally unheeded: as to the theological books, they could be read in Latin translations.

The loss of Varro's writings, who was frequently led to speak about the ancient times of Italy, and from whom we have many extracts on these subjects, is not in this respect of any importance, great as the value of his information is for a history of Roman manners. He understood nothing of Tuscan, can hardly have known much

⁶ The intentional extirpation of the higher classes among the Mexicans, the few survivors being either allowed to attach themselves to the conquerors or sinking into contempt, led in less than a century to the loss of the science and learning of this remarkable people; and even of its arts, although they had been cultivated by the lower orders which suffered less, and not by the higher castes. Rome did not burn the ancient writings: but she slighted them.

* XI. 7.

of Oscan; nor does he seem to have made amends for these deficiencies by applying to others for aid. His statements, so far as we are acquainted with them, concerning the early history of Italy, are for the most part utterly worthless, with the exception of the account enumerating the primitive cities of the people whom he called the Aborigines: at times he is evidently following late Greek writers of no value, and once even a manifest impostor⁷: it is a pity that Dionysius and others have been led astray by his authority.

Julius Hyginus, the contemporary and friend of Ovid, wrote on the origin of the Italian towns, without any critical discrimination, and building on very late Greek authors who were undeserving of regard. Yet he has been often quoted by the grammarians, and even so early as by Pliny; in whose description of Italy there is much that has flowed from this turbid source. The same Pliny, as appears from the list of the works he had made use of, did not think it worth while to study the Tyrrhenian histories in twenty books by the emperor Claudius. Universal contempt seems to have crushed that unfortunate work from its very first appearance, so that not a line from it has anywhere been quoted: but the Lyons tables shew that Claudius was well acquainted with the Tuscan annals; and, as we know him to have searched in the Roman archives⁸, it may be presumed that with a view of perfecting his history he would cause similar researches to be made among the Etruscan monuments. There is no loss more to be regretted for the early history of Rome; and considering the advantages of the imperial dilettante, we may be sure that neither the Etruscan history of Flaccus,

⁷ Lucius Mallius; for this emendation instead of *Máμνος* is self-evident: his Dodonæan oracle is such a palpable fraud, that Dionysius, who is usually so wary, cannot be quite honest here. 1. 19.

⁸ Suetonius Claud. 25. He produces the letter of the Senate to Seleucus. See below, note 923.

nor the work of Cæcina⁹, although in every other respect they may have been far better, came near it in historical importance.

Cato's knowing nothing of the Oenotrians, is a proof that he had never read even Timæus, much less Antiochus*. Least of all can we suppose him to have made use of Aristotle's *Politics*, which not only embraced Tarentum and other Greek cities in Italy, but must also have treated of some of the Italian nations; nay, one might suspect, even of Rome itself¹⁰. That this account of the history and constitution of above a hundred and fifty states possessed the same excellencies which have made Aristotle's writings on natural history immortal, is clear from the fragments that have been preserved, especially those on the Athenian constitution: it may be inferred too from the critical remarks on various governments which occur in the *Politics*. To this master of the learned¹¹ the criminal laws of Cuma under the Oscans, and a mythical legend about the foundation of a city, were no less attractive than speculations about first causes and final aims, than investigations concerning animal life or poetry: and this variety of pursuit was the peculiar endowment of his school.

It was not until late that the name of Italy was given to the whole region comprised within its natural boundaries, the Alps and the sea. That name in very early times was a national one in the south, and was not

⁹ Both these works have been introduced to our acquaintance by the Veronese scholia on the *Æneid*. x. 183. 198.

* Dionysius i. 11.

¹⁰ Plutarch Camill. c. 22. p. 140. a. Quæst. Rom. 6. p. 265. b. Dionysius i. 72. At all events it is an unpardonable piece of negligence in Pliny, who ought to have been familiar with the whole circle of Aristotle's writings, to have omitted him in the list of the Greeks that spoke of Rome prior to Theophrastus. iii. 9.

¹¹ Il maestro di color che sanno. Dante. See Polit. ii. 8.

extended to the more northerly regions until the Roman sway had united the peninsula into one state, and by colonization and the spreading of the Latin language had moulded its inhabitants into a single nation. With the exception of a few islands, no country that was divided amongst a variety of nations, however clearly its natural boundaries may have been marked out, bore any general name in the early ages of antiquity, until some one people became master of it. So it was for instance with Asia Minor: had it continued one united state, after Croesus had subjugated all the country to the west of the Halys, the name of Lydia might have come into use for the whole; as that of Asia did subsequently for the countries which made up the kingdom of Pergamus, and that of Asians for their inhabitants.

Names of countries were always formed in antiquity, as they were by the German nations afterward, from the name of the people¹²; and Italia means nothing else than the land of the Itali. Nor is it to be explained, except from that extreme spirit of absurdity which always came over even the most sagacious of the Greeks and Romans the moment they meddled with etymology, how any one could stumble on the notion of interpreting that name as if it had belonged originally to the country, because in the Tyrrhenian or the ancient Greek¹³ *italos* or *itulos* meant an ox. This was connected by the mythologers with the story of Hercules driving Geryon's herd through the land¹⁴: Timæus, in whose days such

¹² Egypt is perhaps the only exception: but its river, which was so called by the Ionians, furnished an occasion for this, such as did not exist anywhere else.

¹³ In the former, according to Apollodorus Bibl. 11. 5. 10.; in the latter, according to Timæus quoted by Gellius xi. 1. Hellanicus of Lesbos, cited by Dionysius, i. 35, merely says, in the language of the country. Tyrrhenian however does not here mean Etruscan, but Pelasgic, as in the Tyrrhenian glosses in Hesychius.

¹⁴ Hellanicus and Apollodorus in the passages just referred to.

things were no longer thought satisfactory, found out an allusion to the abundance of cattle in Italy¹⁵.

The name of the people was derived by the Greeks from Italus, a king or lawgiver of the Oenotrians: in the Oscan name of the country, Vitellium¹⁶, there is an evident reference to Vitellius, the son of Faunus and of Vitellia, a goddess worshipt in many parts of Italy¹⁷. This Vitellius is probably no other than the Italus just mentioned. If there is any thing to be divined with regard to the oldest genealogies of those races which were purely Italian, it is that they were traced up to Faunus; that of the Oenotrians through Vitellius, as that of the Latins was through Latinus.

The Italians according to the Greek accounts were the Oenotrians: taken in a more general sense, the name assuredly comprehended all the tribes that belonged to the same race, the Tyrrhenians, the Siculians, the Latins. From it came the surname Vitulus, borne by a branch of the Mamilian house, as another bore that of Turinus or Tyrrhenus: it was a custom, attested by the oldest Roman fasti, for the great houses to take distinguishing surnames from a people with whom they were connected by blood or by the ties of public hospitality.* All the country at one time inhabited by the same great people, which at all events occupied the whole of the peninsula to the south of the Tiber and Cape Garganus, bore the

¹⁵ Gellius xi. 1. Piso, quoted by Varro de re r. ii. 1, borrowed the explanation from the Greeks.

¹⁶ See note 19.

¹⁷ Suetonius Vitell. 1. This supplied an opportunity for a hieroglyphical representation: the bull with a human face on the Campanian coins and on others of southern Italy is Italus or Vitalus. No doubt too it is the name Vitulus under various forms, that is exprest by the mysterious Oscan characters on the coins usually ascribed to Pæstum (Eckhel Doctr. Num. 1. p. 159.), many as are the discrepancies that occur among them: for nothing can be more flexible than the names of nations in the Italian languages.

* By προξενία. See below, note 765.

name of Italia, or Vitalia¹⁸; and this might still be preserved, after the ancient races had been destroyed, driven out, or incorporated, by the Oscans and Sabelians. The Romans and Samnites could never have borrowed the name of a foreign district, to give it to the land they inhabited: had it not been in use within the country itself, the trial of arms, that decided which of the two people was to rule in the peninsula, would also have determined that it should be called Latium or Samnium.

From the name of the country, Italia, the people who settled therein were called Italicans; and this appellation was extended to the other branches of the same stock who took no part in the migration; they were hereby distinguished as well from the foreigners in the north of Italy as from the Romans. As to Italians, no mention is made of such after the downfall of the ancient nation, until very late times; and then all the inhabitants of the peninsula are called so indiscriminately. The Italicans were for the most part Sabellians; and that union amongst them which was grounded on a community of lineage, of language, and of laws, was consummated, with regard to them and such other inhabitants of the south as were not Greeks, by their civil relation to Rome. That they looked upon themselves as one Italian people, is evident from the Marsic war. Even before, in that of Hannibal, they had acted separately from the Etruscans and Umbrians, who took no part in it: now however all the citizens of this Italy were under arms; they called the capital of their confederacy Italica; and its coins are inscribed with the name Italia or Vitellium¹⁹.

¹⁸ Vitalia is mentioned by Servius as one among the various names of the country: on *Æn.* viii. 328.

¹⁹ Micali's explanation of the word *Viteliu* on the Samnite denary coined during the Social War (I. p. 52.) may be regarded as established. The analogy of *Latium*, *Samnium*, is followed in *Italium*, *Vitalium*, *Vitellium*: whence *Vitellio*, like *Samnio*.

The Greeks, who regarded the Oenotrians alone as Italians, were for a long time strangers to the wider extent in which the name was applied within the country itself; and this appears from their usage. In proportion as legends or history represented the territory of the Oenotrians to have been enlarged or narrowed, did they conceive Italia to have increased or diminished. The region which originally bore the name, was, according to them, the peninsula bounded by the isthmus of only twenty miles²⁰ across, between the Scylletic and the Nape-tine gulf²¹; where there is a range of low hills connecting the Apennines with that chain of mountains which, running off from Ætna, is rent asunder near Rhegium: in other words it was the southermost part of what was afterward called Bruttium. Such was the statement of Antiochus of Syracuse, the son of Xenophanes, who is quoted by Aristotle, though not by name, where he brings forward the testimony of natives conversant in traditional history. This Antiochus was not indeed a very ancient historian, as he is called by Dionysius²², but the contemporary of Herodotus, and probably the younger of the two; for he closed his Sicilian history with the year 329, Ol. 89. 2²³: he was the oldest however among the natives of these countries. From him without doubt did Dionysius also learn that in a wider sense the country from Tarentum to Posidonia, when it belonged to the Oenotrians, was called Italia²⁴: a fact referred by him to those primitive ages in the traditions of which the vicissitudes of nations are related as the story of princes bearing their name. With regard to his own days however Antiochus

²⁰ 160 Stadia, says Strabo vi. p. 255. a. Aristotle calls it half a day's journey.

²¹ Aristotle Polit. vii. 10. Dionysius i. 35. Strabo vi. p. 254. d.

²² Συγγραφεὺς πάνυ ἀρχαῖος. i. 12.

²³ Diodor. xii. 71.

²⁴ i. 73. Ἦν δὲ τότε Ἰταλία ἡ ἀπὸ Τάραντος ἄχρι Ποσειδωνίας παράλιος.

drew a narrower boundary for Italia, by a line to Metapontum from the river Laos, which in aftertimes separated Lucania from Bruttium²⁵: for the Lucanians had already forced their way in here and made themselves masters of the western coast. Tarentum he places beyond the limits of Italia, in Iapygia: in the same manner Thucydides, who wrote about the year 350, makes a distinction between Iapygia and Italia²⁶. Hence the Tarentines have no share in the name of Italiots²⁷: yet that name certainly reached to Posidonia, and did not stop with Velia. No Greek however before the time of the Macedonian dynasty would call the Chalcidian colony of Cuma a town of Italy, but of Opica²⁸: as Latium is called a district of Opica by Aristotle²⁹.

Still narrower were the limits assigned to Italy in the Triptolemus of Sophocles, in which it was confined to the eastern coast: unfortunately Dionysius has contented himself with quoting but three lines from that play³⁰. According to the custom of the Greek tragedians, to bring in the gods instructing those who were doomed to distant

²⁵ Strabo vi. p. 254. d. "Ὅριον δ' αὐτῆς ἀποφαίνει πρὸς μὲν τῷ Τυρρηνικῷ πελάγει τὸν Λᾶον ποταμόν· πρὸς δὲ τῷ Σικελικῷ τὸ Μεταπόντιον· Τὴν δὲ Ταραντίνην ἐκτὸς τῆς Ἰταλίας ὀνομάζει, Ἰάπυγας καλῶν. Hence Posidonia and Elea were then beyond the borders of Italy. But as Lucania was not yet become a usual name, the only way of describing these places was, as situate in Oenotria: and this is the way Herodotus talks of Elea: i. 167.

²⁶ vii. 33. Of the great armament under Demosthenes and Eurymedon, he says κατίσχουσιν ἐς τὰς Χοιράδας νήσους Ἰαπυγίας, καὶ—(ἐκεῖθεν)—ἀφικνοῦνται ἐς Μεταπόντιον τῆς Ἰταλίας.

²⁷ The seventh Platonic epistle, which unquestionably is of a better east than almost all the others, speaks of Tarentum as in Italy: this is one of the historical proofs from which I pronounce it without hesitation to be spurious. The passage is p. 339. d. τῶν ἐκ Σικελίας τε καὶ Ἰταλίας ἐλκόντων—μέ. The former are Dionysius and Archedemus; the latter Archytas καὶ οἱ ἐν Τάραντι.

²⁸ Thucyd. vi. 4.

²⁹ Referred to by Dionysius i. 72.

³⁰ Dionysius i. 12.

wanderings, with regard to their way, the hero of Eleusis was directed by Ceres, how, following the seashore, he should convey his blessings into the regions of the west; passing from the promontory of Iapygia, along the coast of Italy, then making the round of Sicily, then returning to the continent and proceeding through Oenotria, along the Tyrrhenian gulf, toward Ligystica. The same eastern coast was the Italy "rich in white grain," celebrated by Sophocles in that play³¹; in which was the Siritis so renowned among the Greeks, and the plains of Metapontum: it is clear that the poet's praise cannot refer to the rich land of Campania, as Pliny took it to do. A late writer, who, ignorant as to the actual state of the world, compiled a treatise on chorography, the most variable of all sciences, out of antiquated books³²,—whom however we are glad to have, from his standing in their place,—concurs with Sophocles in calling the whole coast from the Faro to Posidonia by the name of Oenotria³³.

The ancient usage was still kept up long afterward, at least by the writers at Athens. In the fragment of an account of the way of boxing the compass, as we should call it, attributed to Aristotle, it is said that the Thrakias in Italy and Sicily is called Circas, because it blows from the headland of Circeii³⁴. The local names which are there adduced for the same wind, from Thrace, Lesbos, and Megara, shew that it must have been a northwestern: and, looking from Calabria and Sicily, the bearing of Circeii may be regarded as pretty nearly the same. Now this fragment, it is true, has no right to Aristotle's name; for it contains passages that are at variance with works of unquestionable genuineness³⁵: still it is certainly not older than his time³⁶: perhaps, as at least one other

³¹ Pliny xviii. 12. 1.

³² As Raphael Volaterranus did from Pliny and Mela.

³³ Scymnus: compare v. 243. ff. with 299. ff.

³⁴ Opusc. min. p. 133. Sylb.

³⁵ The Meteorologics ii. 6.

³⁶ Aristotle died in the year 430.

book that has found a place among his writings³⁷, it was by Theophrastus. The latter continues to make a distinction between Latium and Italia³⁸ in his *History of Plants*, in a passage which seems to have been written no long time after the death of Cassander in Ol. 120. 3. 455³⁹.

About the same time however king Demetrius wrote to the Romans, that it did not become the people who ruled over Italy, to send out pirates⁴⁰: and yet the country called Italia in the time of Antiochus was still wholly independent of them. That the Tarentines invited

³⁷ The Economics, the first book as it is called: this is now established from Philodemus.

³⁸ Hist. Pl. v. 9. τῶν ἐν τῇ Λατίνῃ καλῶν γινομένων ὑπερβολῇ, καὶ τῶν ἐλατίνων καὶ τῶν πευκίνων, μείζω ταῦτα καὶ καλλίω τῶν Ἰταλικῶν, οὐδὲν γὰρ (f. δ' ἄρα) εἶναι πρὸς τὰ ἐν τῇ Κύρῳ.

³⁹ In the chapter just cited Theophrastus speaks of the under-cireme built by king Demetrius of Cyprian timber. That island was lost before the year 458. Pliny places the composition of the whole work about the year 440; being misled by finding the mention of an archon by whom he supposed this year was designated. He overlooked the occurrence of several others and later ones: these chronological notices do indeed shew the length of time during which the philosopher continued to incorporate such additions as suggested themselves with his work, which had been composed, though not yet made public: but even the latest of them cannot be regarded as determining the year of the publication. In the year 117.2, he wished to state that Cyrene had then existed for about 300 years; so he named the archon of the day (vi, 3). Thus he was told of natural phenomena, that they had occurred a certain number of years before: all these dates might have been accommodated to the year of the publication; but it was quite superfluous. A multitude of other additions must have been made in the same way, which we are unable to detect: they were not appended externally, but immediately wrought into the work itself. In like manner Aristotle has evidently enlarged his Rhetoric, which in its first sketch was one of his earlier works, with additions till toward the close of his life. Such books, which were kept to be continually worked at, and were communicated to none but disciples, I hold to be those which were called esoteric: the letter attributed to Alexander, which perhaps may be genuine, agrees very well with this view.

⁴⁰ Strabo v. p. 232. b. Σπρατηγεῖν τῆς Ἰταλίας.

Pyrrhus expressly into Italy, as Pausanias says they did⁴¹, is a point whereon the words used by so late a writer, who assuredly did not weigh their import, cannot be regarded as decisive: yet it is hardly to be doubted. For nearly all Italy, in the extent assigned to it by the Latin usage of those times, was already united under the Romans; and the weaker the Greeks in the cities that yet remained felt themselves as compared with the Italicans, the surer were they to follow them in giving a name to the country. In this manner that usage was also introduced into Greek books, at least from the time of the expedition of Pyrrhus.

That the collection of marvellous stories which occurs among the writings of Aristotle, cannot be his work, is demonstrated, should there be any to whom the language and spirit of that book do not speak intelligibly enough, at all events by the mention of Cleonymus and Agathocles: yet it must have been composed before the end of the first Punic war; for it talks of the Carthaginian province in Sicily. Many of these stories, especially such as relate to the west of Europe, are manifestly borrowed from Timæus, whose history was full of wonderful tales: now Timæus wrote about or after the year 490; and the other work may for the purposes of the present inquiry be considered as of the same age. In this however Italy has a far wider extent: the Sirenusæ, Cuma, and Circeii are expressly said to belong to it; Tyrrhenia on the contrary and the land of the Ombricans are mentioned separately: so that the boundaries of Italy seem at that time, though there was not indeed any precise line of demarcation, to have stretched to the Tiber and beyond Picenum⁴²: a country large enough to be called

⁴¹ Attic. c. 12.

⁴² This is the view taken by Clemens of Alexandria, when he calls the Tuscans *Ἰταλίας γείτονες*: Strom. i. p. 306. Timæus himself too would scarcely have given an etymology for the name of Italy in the history of Pyrrhus, unless it had already become generally prevalent for a considerable range of country.

the broad Italy, in the epigram of Alcæus the Messenian on the victory of Flamininus in 557. Half a century however before the Marsic war, about 615, the name of Italy was used by Polybius in the widest extent, as reaching to the Alps; comprising Cisalpine Gaul and Venetia; only perhaps to the exclusion of the Italian half of Liguria. That M. Cato in his *Origins* reckoned Etruria and Umbria parts of Italy, seems certain: his treating in the same work concerning the descent of the Ligurians, the Euganeans, and the Alpine tribes, is no proof that he included them within its limits: for why should he lay down a law for himself, never to make inquiries touching the descent of a nation beyond the borders of Italy? or, if he learnt anything about such a one, to give it no room in his work?

In the latter days of the Roman empire, when Maximian had transferred the imperial residence to Milan, the name of Italy in the official language was again confined to a narrower compass; in the north, as the extreme south was where it was said to have originated. Italy, properly so called in that age, comprised the five annonary provinces, Æmilia, Liguria, Flaminia, Venetia, and Istria⁴³: from this usage did the kingdom of the Lombards receive its name: and as its limits, if they did not include Istria, stretched a great deal further southward, there was nothing of arrogant assumption in the title.

Dionysius says, before the time of Hercules the whole peninsula was by the Greeks called Hesperia or Ausonia, but by the natives Saturnia⁴⁴. I will not seriously censure the folly of attempting to make out upon historical grounds what is earlier or what later in a mythical age: nevertheless there was more of consistency in the captiousness of the Alexandrian critics who found

⁴³ Jac. Gothofredus ad l. 6. C. Th. xi. 1. de annona et tributis.

⁴⁴ l. 35.

fault with Apollonius for speaking of Ausonia during the Argonautic expedition, whereas that name was derived from a son of Ulysses and Calypso⁴⁵. Hesperia, being a name that had an air of antiquity, is frequently used by Roman poets after Greek models who have been lost: in the Greek writers that remain it is extremely rare: and in the more ancient never bears a particular reference to Italy. From the inscriptions on the Iliac table, it seems probable that Stesichorus in his Ἰλίου Πέποις represented Æneas as setting forth for Hesperia⁴⁶: Agathyllus, as quoted by Dionysius, says *Æneas hastened to Hesperia*⁴⁷: Apollonius mentions the conveyance of Circe by the god of the sun to the Tyrsenian coast in the Hesperian country⁴⁸. This name however embraced the whole West, as *Hesperia Magna*, like a fourth quarter of the world, to which Iberia belonged quite as much as Italy: thus we comprise the Levant and Anatolia as parts in the East. But as what the poets had to tell of Hesperia almost always related to Italy, hardly ever to Iberia, this gave rise to the notion, and to the subsequent usage, which identified Hesperia with Italy.

Ausonia was a name extended by the Greeks, as was the case with Italia, from a single district to the country

⁴⁵ Schol. Apoll. iv. 553. This was the derivation commonly received: the poet however might have come off; for there was another which went back to Αὐζήν, a name given to the country by the barbarians. See the Etym. Magn. v. Αὐσόνες.

⁴⁶ Ἀωήας (thus) ἀπαίρων εἰς τὴν Ἑσπερίαν. Tychsen Comm. de Q. Smyrneo iii. §. 11. p. 74.

⁴⁷ Ἀυτὸς δ' Ἑσπερίην ἑαυτὸ χθόνα. i. 49. This Agathyllus seems to have belonged to the Alexandrian age. As to the line of Ennius—Est locus, Hesperiam quam mortales perhibebant (read *perhibebunt*)—it is quite as likely to be taken from some Greek just before his time, as from a poet of a better age. In the Anthology we find Hesperia for Italia, but not before Agathias.

⁴⁸ Argon. iii. 311. 312.

beyond it. At first it was synonymous with Opica: and since the name of Opicans was given by the Greeks, as early as about the end of the fourth century of the city, to all the tribes dwelling within the Italy of Timæus, as above described, they began in their poetical language to apply the name Ausonia no less widely⁴⁹. This must have been done by writers now lost, and long before the time of Lycophron, by whom, after the year 560, the whole of the peninsula to the south of Tyrrhenia and Ombrica is called Ausonia⁵⁰. With others this is an appellation for the region between the Apennines and the lower sea⁵¹: and in this latter enlarged sense the word is evidently used by Apollonius (under Ptolemy Euergetes, between 505 and 531) for the whole coast of Italy on the lower sea, even for that of Etruria⁵².

Saturnia, a name said by Dionysius to have been found in the Sibylline oracles—of which however he can only have been acquainted with the later and forged collection—may perhaps have been used by the ancient Latins to designate a part of central Italy, wherein

⁴⁹ In this sense Circe's island, *Ætæa*, is accounted in Ausonia: Apollodorus i. 9. 24. And the oracle said to have been delivered to the Chalcidians, calls the neighbourhood of Rhegium *Αὔσωνα χώραν*:—Diodorus in the Eclog. de sententiis p. 11. ed. Maii—which is itself a proof how recent the forgery must have been.

⁵⁰ The Sicilian strait v. 44; Arpi and Apulia vv. 592. 615; Opica, properly so called, and the Apennines v. 702; Oenotria vv. 922. 1047. That Lycophron separated Tyrrhenia and Ombrica from Ausonia, is shewn by vv. 1239. 1360. It is true he calls Agylla Ausonian; but this is before the Tyrrhenians took possession of it: v. 1355. As a general name for Italy, Ausonia is used by Dionysius Periegetes, and frequently in the Anthology, but by no poet older than Antipater of Thessalonica. In the worthless Orphic Argonautics the *Ausonian islands* must mean even Sicily, Sardinia, and Corsica: v. 1255. In the fifth and sixth centuries, to one of which that poem belongs, such as wished to write with elegance, sometimes called the Italians of their age Ausonians even in prose; and in Priscus (Excerpt. de Legat. p. 59. B.) Ausonian seems to be equivalent to *Volgare*, as distinguished from Latin.

⁵¹ Fest. Epit. v. Ausoniam.

⁵² Argon iv. 553.

Latium was contained; but to what extent we cannot define: hence the Saturnian verses, which were sung in a measure peculiar to these nations. The traces of this name however are so faint, that all we can say with confidence is, it certainly never came into general use for the whole of the peninsula.

Italia and Oenotria, Ausonia or Opica⁵³, Tyrrhenia, Iapygia, and Ombrica, are appellations derived from the Greek names of the tribes that inhabited the regions called after them on the coast of the peninsula, during the age when Magna Græcia was most flourishing: and such was the number of the countries placed by their chorographers to the south of the Po and to the east of the Macra. The main part of what we know concerning Italy before the time of the Romans, has been handed down to us by the Greeks; and their divisions and views form the fittest guide for an inquiry which undertakes to collect and throw light on our information with regard to the various tribes of its inhabitants. At the time however that the Greek settlements grew up, neither the Etruscans nor the Sabellians had made their appearance within the sphere of their knowledge: hence that ancient distribution of the country makes no mention of them; nor has it any room for the powerful states which the latter established in the land of the ancient Italians and Opicans, under the name of Samnites, Lucanians, and Campanians. In the archeological account of the Italian nations, on which I am now about to enter, they as well as the Etruscans will take the place that belongs to them.

⁵³ Also Opicia: Thucydides vi. 4.

THE OENOTRIANS AND PELASGIANS.

WITH regard to the origin of the Oenotrians Pherecydes wrote⁵⁴: that Oenotrus was one of the twenty sons of Lycaon, and that the Oenotrians were named after him, as the Peucetians on the Ionian gulf were after his brother Peucetius. They migrated from Arcadia⁵⁵, seventeen generations before the Trojan war, with a multitude of Arcadians and other Greeks, who were prest for room at home: and this, says Pausanias⁵⁶, is the earliest colony, whether of Greeks or barbarians, whereof a recollection has been preserved.

Other genealogers have stated the number of the Lycaonids differently: the names found in Pausanias amount to six and twenty, and several have probably dropt out of his text. Apollodorus⁵⁷ reckons them at fifty, of which number his list falls short by one. Very few in the two lists are the same: Pausanias has no Peucetius, Apollodorus neither him nor Oenotrus: but the strangest thing is, that, though their names mark them all out as founders of races or of cities, still the latter mythologer makes them all perish in Deucalion's flood. It is clear that he, or the author he followed, must have absurdly mixed up a legend about certain impious sons of Lycaon, who perhaps were nameless, with the tradition which enumerated the towns of Arcadia and such as were of kindred origin, under the names of their pretended founders.

Legends of this sort will not be looked upon by any as historical: but in the light of national pedigrees, like the Mosaical, such genealogies are deserving of attention;

⁵⁴ Quoted by Dionysius i. 13. Compare i. 11.

⁵⁵ Dionysius i. 11.

⁵⁶ Arcad. c. 3.

⁵⁷ Biblioth. iii. 8. 1.

inasmuch as they present views concerning the affinity of nations, which certainly were not inventions of the genealogers, themselves early writers after the scale of our literature, but were taken by them from poems of the same class with the Theogony, or from ancient treatises, or prevalent opinions. That portions indeed of these genealogies are grounded on very erroneous suppositions, or at least on accounts which in parts have been misunderstood, is exemplified in the Mosaical: wherein races, which undeniably belong to entirely different families, are represented as connected: and I am very willing to allow that those of the Greek mythologers may contain still greater errors. But if we find them mentioning the Pelasgian nation, they at all events belong to an age when that name and people had nothing of the mystery which they bore in the eyes of the later Greeks; for instance of Strabo: and even though the Arcadians had been transformed into Hellens, still a very distinct recollection might be retained of their affinity with the Thesprotians, whose land contained the oracle of Dodona, as well as of that between these Epirots and other races; which is implied in the common descent of Mænalus and the other Arcadians and of Thesprotus and Oenotrus from Pelasgus. Nor does this genealogy stand alone in calling the Oenotrians Pelasgians: evidence to the same effect, perfectly unexceptionable, and as strictly historical as the case will admit of, is furnished by the fact, that the serfs of the Italian Greeks, who must undoubtedly have been Oenotrians, were called Pelasgians⁵⁸. Moreover we have statements of less authenticity, but of very various kinds, which exhibit the Pelasgians in many different quarters of Italy.

The name of this people, of whom the historical inquirers in the age of Augustus could find no trace among any then subsisting, and about whom so many opinions have been maintained with such confidence of late, is

⁵⁸ Stephanus Byz. v. *Xῖος*.

irksome to the historian, hating as he does that spurious philology which raises pretensions to knowledge concerning races so completely buried in silence, and is revolting on account of the scandalous abuse that has been made of imaginary Pelasgic mysteries and lore. This disgust has hitherto kept me from speaking of the Pelasgians in general; especially as by doing so I might only be opening a way for a new influx of writings on this unfortunate subject. I was desirous of confining myself to such tribes of this nation as are mentioned among the inhabitants of Italy; but this would leave the investigation wholly unsatisfactory: and the one I am now about to commence does not pretend to make out any thing else than Strabo for instance, if he had set what he knew distinctly before his own mind, might have given as the result.

The Pelasgians were a different nation from the Hellens⁵⁹: their language was peculiar and not Greek⁶⁰: this assertion however must not be stretched to imply a difference like that between the Greek and the Illyrian or Thracian. Nations whose languages were more nearly akin than the Latin and Greek, would still speak so as not to be mutually understood; and this is what Herodotus has in his eye: who, distinctly as he draws a line between the two nations, yet deviates from all other Greek writers in ranking the Epirots among the Hellens⁶¹. That there was an essential affinity, notwithstanding the difference, is probable, from the ease with which so many of the Pelasgian nations ripened into Hellens; as well as from the Latin

⁵⁹ They are thus distinguished by Herodotus.

⁶⁰ Herod. i. 57. The Tyrrhenian and Sicilian words found in the glossaries are Pelasgic: but how few of them have escaped being corrupted by the transcribers! The name Larissa, borne by two ancient capitals of the nation, in Thessaly and Asia, by the citadel of Argos, a town near the Liris (Dionys. i. 21.), and many other places, may be regarded as a Pelasgic word.

⁶¹ He speaks of Thesprotia as in Hellas, ii. 56: and classes the Molossians among the Hellens, vi. 127.

language containing an element which is half Greek, and the Pelasgic origin of which seems unquestionable. Herodotus says, that in process of time they grew to be accounted Greeks⁶². From the Pelasgians was the Greek theology derived⁶³; and the oracle of Dodona belonged to them. Their name was most probably a national one⁶⁴; at least the Greek explanations of it are absurd.

As there are creatures, of races which seem to have survived from a period of other forms, standing like aliens left to pine away in an altered world, so the Pelasgians, in the portion of history within the reach of our monuments and legends, appear only in a state of ruin and decay: and it is this that makes them so mysterious. The old traditions spoke of them as a race pursued by the heavenly powers with never-ending calamities⁶⁵; and the traces of their abode in very widely distant regions gave rise to the fancy, that they had roamed about from land to land in the hope of escaping from these afflictions. And whereas the best acquisition of nations as well as individuals is the recollection they leave, surely no people has been so hardly dealt with in this respect as the Pelasgians. Even Ephorus, early as he lived, seems to have refused them the character of a nation, and to have imagined that the name was one assumed by a band of marauders, who issued from Arcadia and received accessions from a variety of tribes: whereas he that views the fable of their wanderings in a different light, and searches for traces of their diffusion, will on the contrary recognize that they are one of the very greatest nations of ancient Europe; who in the course of their migrations spread almost as widely as the Celts.

⁶² II. 51. ὅθεν περ καὶ Ἕλληνες ἤρξαντο νομισθῆναι.

⁶³ Herod. II. 51.

⁶⁴ See notes 58 and 96.

⁶⁵ Dionysius I. 17. ἐχρήσατο τύχαις δυσπότημοις.

It is not an arbitrary fiction of the poet, when Æschylus makes king Pelasgus, the son of Palæchthon, boast, that he and his people are masters of the whole country to the west of the Strymon⁶⁶. At the time when the Carians were still inhabiting the Cyclades, and were even settled with other barbarous nations in several quarters on the continent of Hellas, while the Hellens were confined to the northern mountains; the Peloponnesus and the largest part of Hellas belonged to the Pelasgians⁶⁷: but this was a very small portion of the countries they occupied. It may here be remarked, that the way in which the Hellens spread, is like that in which the Romans and Latins spread in Italy: a detachment of them settled amid a far more numerous community of a different, though not wholly foreign, nature; and this community adopted the language and laws of the colonists, in order to resemble them. For this is the only meaning we can attach to the account of Thucydides, how Hellen and his family were called in and received⁶⁸: the invaders who gave a Dorian character to the inhabitants of the three districts in the Peloponnesus, were much inferior to the old population in number.

The Arcadians, the most ancient settlers at Argos, the Ionians, were all Pelasgian races; and these it is probable originally formed the only inhabitants of the Peloponnesus. The people of Attica too are termed Pelasgian Cranai, even before the Ionian immigration: whereas the Bœotians and Locrians were not accounted Pelasgians. Thessaly was their second great seat in Hellas, or, as it was then generally called, in Argos.

⁶⁶ Suppl. v. 248. That is, of *Oldland*.

⁶⁷ Πελασγῶν ἐχόντων τὴν νῦν Ἑλλάδα καλεομένην: Herod. viii. 44: which says still more, and too much, since it excludes the Leleges, Caucones, and others. Hellas was of old called Pelasgia, says the same author, ii. 56. The converse will not hold.

⁶⁸ i. 8.

Hence Thessaly was termed the Pelasgian Argos*, and a part of it retained the name of Pelasgiotis: the hypothesis which supposes the Pelasgians in the middle of Italy to have migrated thither from the East, brings them from Thessaly, as if this were their proper home; and the words Thessalian and Pelasgian are used as equivalent⁶⁹. No change was made in this by the migration of the Thessalians properly so called from Thesprotia into Aemonia†: for the Thesprotians were Pelasgians: their progenitor is mentioned in Apollodorus among the Lycaonids; according to others Pelasgus after the deluge came into Epirus, and appointed one of his followers king of the Molossians and Thesprotians⁷⁰: the Epirot tribes, says Strabo, are by many called Pelasgians⁷¹: and Dodona is acknowledged on all sides to have been Pelasgian ground. The Epirots are distinguished in the most positive manner by Thucydides and other writers from the Greeks, and are expressly termed barbarians: nor is this to be counterbalanced by the indulgence of Polybius in classing them among the Hellenes: although it is true we have here another instance of the ease with which a Pelasgian people was transformed into Greeks. To the Epirots there also belonged a variety of races on the northern skirts of the mountains which afterward composed Upper Macedonia, the Orestians, the Pelagonians, the Elimiot⁷²: as well as those on the opposite border who were subsequently incorporated as barbarian tribes with Ætolia when it was enlarged, the

* Homer Il. ii. 681.

⁶⁹ Strabo v. p. 220. d. τῶν Θετταλῶν τις: he is speaking of the Pelasgians at Cære. Cyzicus was said to have been inhabited in early times by Thessalians, Pelasgians, and Tyrrhenians: instead of its being seen that these were different names of the same nation, a story was fabricated, how the Pelasgians were expelled by the Thessalians, and these by the Tyrrhenians. Conon 41: compared with the Scholiast on Apollonius i. 987 and 948. See notes 114 and 255.

† Herod. vii. 176.

⁷¹ v. p. 221. b.

⁷⁰ Plutarch Pyrrh. i.

⁷² Strabo ix. p. 434. d.

Amphilocheians, Agræans, and others. The land near the mouth of the Achelous, which flows through the territories or along the borders of the last-mentioned tribes, was occupied in the mythical age by the Teleboans, who are named after one of the Lycaonids, and must be considered as Pelasgians. So must the Dolopians, among whose mountains that river takes its rise: for the Pelasgians who dwelt in Scyrus and Sciathus, are in the former of these islands called Dolopians⁷³. The tribes on the Achelous were indeed members of the Amphictyonic league; but this is no proof of their Hellenic origin: for the Thessalians were among the leading Amphictyons; and the main tie in that association was religion, in which the Pelasgians and Hellens agreed⁷⁴.

On the north the boundary assigned by Æschylus to the land of the Pelasgians is the Strymon and the Algos; a description which in him must be taken as geographically correct, whether the river he calls the Algos be one in Illyria or in Macedonia: and thus Macedonia is included by the poet in Pelasgia. When Macedonia had become a great kingdom, the main part of the Macedonian people was made up of Greeks, Illyrians, Pæonians, and Thracians; but the core of the nation was still a peculiar race, which can neither be considered as Greek nor as Illyrian. I hold that this too was Pelasgian, on the authority of Æschylus, and on a variety of grounds. Among the Lycaonids there is a Macednus: in a legendary history, which was probably derived from Theopompus, the subjects of the first king are called Pelasgians⁷⁵: and the Elimiot, who according

⁷³ Scymnus. v. 582. Dicæarchus, p. 26. Πελασγία Σκύρος. Plutarch Cim. c. 8.

⁷⁴ Hence even Plato allows his Greek state to adopt religious rites from the Tyrrhenians: (de Legib. v. p. 738. c): not from the Etruscans, but such as proceeded from Samothrace.

⁷⁵ Justin vii. 1.

to Strabo were an Epirot, that is, a Pelasgian race, were among the genuine Macedonians⁷⁶.

A people of whose descent we have no credible account, the Bottiæans, were dwelling intermixed with the Chalcidians at the beginning of the Peloponnessian war: it is clear that they were not Greeks; nor were they barbarians altogether alien to them, like the neighbouring Thracians. If such a character of itself induces us to suppose that they must have been Pelasgians, this presumption is heightened by our finding that Bottia was the seat of the most ancient Macedonian Pelasgians⁷⁷.

With regard to the Tyrrhenian Pelasgians on mount Athos, it may be true that they were merely fugitives from Lemnos*: but Lemnos, Imbrus, and Samothrace, were celebrated as the abodes of the Pelasgians, and such they continued down to the historical period⁷⁸: the account that the Pelasgians had migrated thither from Athens, does not rest on sufficiently valid authority: or, supposing we ought not to reject it, still it was probably a kindred race that received them; for these regions were overrun by Pelasgian tribes. They were the inhabitants of Lesbos and Chios, before the Greeks took possession of them⁷⁹; and, according to Menecrates the Elæan, of the whole coast of Ionia beginning from Mycale⁸⁰, and of

⁷⁶ Thucydides ii. 99.

⁷⁷ In the passage of Justin before cited (vii. 1.) I read *regio Bottia*, instead of *Bæotia*: no various readings are mentioned: *Pæonia* is an unwarrantable change. Bottia is the name of the country on the Axius.—This conjecture is now fully confirmed by the *Eclogæ* from Diodorus under the head *De Sententiis* where (p. 4.) the oracle commands Perdiccas, 'Αλλ' ἴθ' ἐπειγόμενος Βουτήϊδα (read Βοττήϊδα) πρὸς πολύμηλον.

* Thucyd. iv. 109.

⁷⁸ As to Lemnos and Imbrus no references are needed: of Samothrace this is said by Herodotus, ii. 51.

⁷⁹ Strabo v. p. 221. b. xiii. p. 621. b.

⁸⁰ Strabo xiii. p. 621. b.

Æolis: in Caria of Tralles⁸¹: on the Hellespont two of their towns were still extant in the days of Herodotus⁸²: Cyzicus was theirs, until the Milesians made themselves masters of it⁸³: and the Macrians, a race of their stock, dwelt on the other side of the same island on the coast facing the Bosphorus⁸⁴. No point in the history of the diffusion of nations is to be made out with greater historical certainty, than appertains to the statements whence this summary has been drawn. I will therefore keep it apart from the opinion, which I state merely as a conjecture, that the Teucrians and Dardanians, Troy and Hector, ought perhaps to be considered as belonging to the Pelasgian race. The seat of these tribes lay between the Pelasgian settlements on the Hellespont and in Æolis: that they were not Phrygians was very clearly perceived by the Greek philologers, who had even a suspicion that they were not barbarians at all. According to the earliest Greek account, Dardanus had come from the Pelasgian country, Arcadia, and from Samothrace, the Pelasgian island: according to that which was adopted by Virgil—for he certainly did not invent it—from the Tyrrhenian city of Corythus, the capital of those Tyrrhenian Pelasgians whose wanderings came to a close in the islands on the coast of Samothrace⁸⁵.

⁸¹ Agathias II. p. 54. a. d. ed. Par. He must have learnt this from the chronicle he quotes with regard to the restoration of the town after the earthquake, when from a Pelasgian it became a Roman settlement.

⁸² I. 57. Placia and Scylace.

⁸³ Schol. Apollon. I. 987. Compare I. 948. Conon 41.

⁸⁴ Apollon. I. 1024, comp. with 1112.

⁸⁵ That Corythus or the city of Corythus must mean Cortona, is admitted: the passages proving it are collected in Forcellini, and the one from Silius is decisive. Only it must not be overlooked that Virgil, after the manner of the later school of poetry, takes the liberty of using the name somewhat indefinitely in a greater latitude. In the mythologers we find a Corythus, who is a Trojan, the son of Paris: Hellanicus in Parthenius 34.

The progress of my investigation will lead me back again into these regions: for the present I shape my course with Æneas through the Ægean sea toward Hesperia. The Macrians on the Hellespont were held to have come from Eubœa, which was called Macris⁸⁶: and in the same island, as in Thessaly, we find the Hestians*. Even among the Cyclades, the rest of which, with the exception of some scattered Phenician settlements, were peopled by Carians, Andrus was a Pelasgian island⁸⁷: the Dryopians of Cythnus too may be regarded as Pelasgians. The tradition of their dwelling together with several other races in Crete, must probably, as in the case of the Dorians named along with them, refer only to a colony⁸⁸.

With regard to Italy I begin by reminding the reader of those Pelasgians who were serfs of the Italian Greeks, and that they can only have been Oenotrians: so that the whole Oenotrian population of southern Italy must be admitted to be Pelasgian. Next it is further witnessed by a crowd of authorities, that the Pelasgians were at one time settled on the coast of Etruria: and we are even assured by the testimony of Herodotus, that the same people, a race wholly different from the Etruscans, were in his days still occupying a city in the heart of the country; a city Dionysius is certainly right in supposing to be Cortona; that is, the Croton which, Hellanicus says, was taken possession of by the Pelasgians, and from which they sent out colonies for the peopling of Tuscany⁸⁹. Cære too, under the name of Agylla,

⁸⁶ Schol. Apollon. i. 1024.

* Strabo ix. p. 437. c.

⁸⁷ Conon 41.

⁸⁸ See the well-known passage of the *Odyssee*, τ. 175—7 quoted for this purpose by Strabo v. p. 221. a.

⁸⁹ Hellanicus in his *Phoronis*, quoted by Dionysius i. 28. If the reading in our editions of Herodotus was *Croton*, as it is quoted by Dionysius (i. 29), instead of *Creston*, no one would fail to perceive that the two contemporaneous historians are speaking of the same city. Hellanicus derived these Pelasgians from Thessaly: this is clear, if it were only from the

before it fell into the hands of the Etruscans, is uniformly represented as a Pelasgian city: and as the Etruscans left the far greater part of the old population remaining in the countries they subdued, this would fully account for the connexion maintained between that city, which with the Greeks did not lay aside its ancient name, and the Delphic oracle*: even if its conquest by the Etruscans was not

the alleged descent of their kings from Pelasgus and a daughter of Peneus: compare Dionysius i. 17. Herodotus says, they had formerly dwelt in Thessaliotis. Every thing makes against any suspicion of Dionysius having corrupted the reading. It seems not to have been heeded, that there is a great chasm here in that family of the Herodotean manuscripts which is incomparably the best (see Wesseling's Herodotus, p. 26. a.): if there is no various reading in the manuscripts of a bad cast, this proves nothing: they always concur in favour of what is absurd. Moreover, though there certainly was a tribe of Crestonæans in Thrace, far inland between the Axius and the Strymon, there was no city of Creston in those parts: and this tribe were Thracians, while the Tyrrhenians on mount Athos, beyond whom they dwelt, were Pelasgians: in Herodotus on the contrary the people of Creston are Pelasgians, and the Tyrrhenians living to the south of them are a totally different race. On an unbiassed consideration one cannot but perceive that Herodotus adopted the account of Hellanicus about the Pelasgians passing out of Thessaly across the Adriatic to Spina and Cortona, and assumed that afterward, on being overpowered by the Etruscans, they emigrated to Athens, himself relating their further wanderings to Lemnos and along the Hellespont. The identity of the language spoken by the Pelasgians on the Hellespont and by those who staid behind in Etruria, was amply sufficient to prove this. Those of Cortona were the most westerly, those on the Hellespont the most easterly, of all the remaining Pelasgians; and this gave a reason for naming these and no others (*ὅσα ἄλλα Πελασγικὰ ἔοντα πολίσματα τὸ οὔνομα μετέβαλε*). It has been thought incredible that the language of small places so far apart should be compared by Herodotus. This difficulty appears to me of no moment: a writer who quotes Egyptian, Scythian, and Persian words, was no more deficient in attention to languages, than we are: this very passage plainly shews that he was anxious to make out what relation the dialects of the East and West bore to each other: the Hellespont he had visited; and natives of Cortona might be easily met with at Thurii.

* Herodot. i. 167. Strabo v. p. 220. c.

subsequent to the settlement of the Phocæans in Cynosus. The names of Alsium and Pyrgi, towns on the coast dependent on Agylla, bear the marks of a people more than half Greek. I have already noticed that the Agyllæans are termed Thessalians*: the historian who pronounced Tarquinii a city of Thessalian origin⁹⁰, meant thereby to designate it as Pelasgian. On the upper sea the same holds of Ravenna, which is called a Thessalian settlement⁹¹: this would be at variance with all history, were it taken in the same sense in which Syracuse and Corcyra were colonies of Corinth; for the Thessalians scarcely touched the seacoast; and had any colonists gone out from Pagasæ, they would never have sailed round Malea and sought out the regions in the interior of the Adriatic. A writer that uses an expression of this sort, must follow Hellanicus, who derived all the Pelasgians between Spina and Agylla out of Thessaly; as Pherecydes did those in the south of Italy from Arcadia. Spina, which as well as Agylla had its treasury at Delphi⁹², a city of such antiquity that the founding of it was ascribed to Diomedes⁹³, and the predecessor of Venice, in the dominion over the Adriatic, is termed a Pelasgian city by Dionysius⁹⁴; nor ought this statement to forfeit its credit, from being associated with the migration which was dreamt of by Hellanicus. But it is a still worse mistake of the later ages, when the distinction between the Pelasgians and the Greeks was lost sight of, to call it a Hellenic city⁹⁵: this is ever erroneous in the case of all towns in remote countries, founded before the return of the Heraclids.

It is somewhat surprising to find the Roman poets calling the Greeks very often Pelasgians: and this, as we

* See note 69.

⁹⁰ Justin xx. 1.

⁹¹ Strabo v. p. 214. b. λέγεται ἡ 'Ρ. Θεσσαλῶν κτίσμα.

⁹² Strabo v. p. 214. a. Pliny iii. 20.

⁹³ Pliny iii. 20.

⁹⁴ i. 18.

⁹⁵ Strabo v. p. 221. a.

are all familiar with it from the days of our youth and of the *Æneid*, has done more than any thing else to confirm the fancy that the Greeks and the Pelasgians were the same people. I will not determine what degree of influence may here be due to a misconception of the language used by the tragic poets, who in fact did not go beyond what they found in the most ancient traditions about the Pelasgians at Argos and in Thessaly: the usage of the Greek epic poets, even of the *Aléxandrian* school, no way justifies the Roman. Yet the latter begins even with *Ennius*⁹⁶: which leads me to conjecture that, when the Epirots, the Oenotrians, and the Siculians had amalgamated with the Greeks, it grew the custom in Italy to include the Greeks under the name of the Pelasgians thus united with them.

Scymnus, who here as elsewhere is the representative of *Timæus* and other ancient writers, says: next to *Ligystica*, beginning therefore from the Arno, come the settlements of the Pelasgians⁹⁷. The Greeks who are related to have been the founders of Pisa, those *Teutons*⁹⁸ who spoke Greek and dwelt there before the Etruscans, must needs have been Pelasgians; and the same is implied when Pisa is said to have been founded by Tarchon, the *Tyrrhenian*.

Tyrrhenia, we are told by *Dionysius*, was a name applied of yore by the Greeks to the whole of western Italy: he is probably however mistaken in asserting that they embraced not only the Latins, but the Umbrians, Ausonians, and many other tribes, under the common appellation of *Tyrrhenians*⁹⁹. In the historical age the

⁹⁶ Cum veter occubuit Priamus sub Marte Pelasgo. In *Callimachus* (*Lavacr. Pall.* vv. 4. 51.) Πελασγοὶ and Πελασγιάδες are the citizens and women of Argos.

⁹⁷ Scymnus v. 216. and foll.

⁹⁸ Servius on *Æneid.* x. 179. It seems impossible that this should be the right name. See the text to note 362.

⁹⁹ *Dionysius* i. 25. 29.

nation peculiarly so called by them, were the Etruscans, with whom their colonies in Sicily and Italy were continually forming relations of war and peace, and whose fame stood high even in Hellas on account of their power, their art, and their wealth. And even before the Macedonian age it may perhaps have been entirely forgotten, that the Etruscans had only obtained the name of Tyrrhenians, in consequence of having taken possession of Tyrrhenia and become the rulers over those Tyrrhenians who had been left behind in their homes; and that the ancient traditions about the Tyrrhenians in no way concerned the Etruscans. In like manner it is imagined by very many to this day, that the Dalmatians of the Slavonic race, as they bear the name of Illyrians, are descended from the ancient Illyrians who inhabited the same regions, and consequently that the latter were a Slavonic people; an error which, where it has once gained a footing, it is useless to combat with the circumstantial evidence afforded by the early history of nations.

This confusion gave rise to two opinions, alike untenable and groundless, on the origin of the Etruscans; and Dionysius with sound judgement contends against them both. According to the one,—which was supported by the account of the Tyrsenians given by Herodotus just as he had heard it among the Ionians, perhaps however without any notion of referring it to the Etruscans,—they were a Lydian race, led to Italy by Tyrrhenus, the son of Atys: according to the other they were Pelasgians: and this last has struck root so deep; it so well sorts with an uncritical and ungrammatical mode of treating the Etruscan language, that it will scarcely ever be entirely extirpated; unless the most brilliant discovery of our days, the explanation of the hieroglyphics, should be followed by, what there is indeed much less ground to hope for, that of the Etruscan language.

The illusion, by which the ancients themselves were misled, is no every day one. It was evidently the custom

at the beginning of the Peloponnesian war, to call the Pelasgians who had inhabited Lemnos and Imbrus, Tyrsenians¹⁰⁰ and Tyrsenian Pelasgians: Thucydides does so, without the slightest intention of displaying his learning. Now the Argives were also called Tyrsenian Pelasgians by Sophocles in the *Inachus*¹: this was joined with the account of Hellanicus², how the Pelasgians, on being driven out of Thessaly³ by the Hellens, crossed the Adriatic and landed in the river of Spina, at the mouth of the Po, and from thence spread into Tyrrhenia and settled there. To this account and the conclusions drawn from it, Dionysius in a spirit of intelligent criticism objects, that the Etruscans had not the remotest resemblance in language and laws to the Greeks or the Pelasgians, any more than to the Lydians, and that their national traditions described them as a primitive race: it is a pity that he did not go a step further, and avail himself of the information he possessed, to explain the origin of the mistake.

For, as we know from Dionysius himself, it was related by Myrsilus of Lesbos, that the Tyrrhenians, in the hope of escaping from the public calamities with which they were chastised by heaven, because among other tithes they had not offered up that of their children⁴, quitted their home, and roamed about for a long time before they again settled in a fixed abode; that, as they were seen thus going forth and returning back, the name of *Pelargi*, or *storks*, was given to them; that they dwelt for a while in Attica, and that the Pelasgian wall round the Acropolis was built by them⁵. This account, as Dionysius himself remarks, is the very reverse of the one in Hellanicus: one thing however he could not be struck by, as we are on surveying an infinitely greater number of traditions; that

¹⁰⁰ Is there an instance of the form *Τυρρηνός* instead of *Τυρσηνός* in any writer, whether prosaist or poet, anterior to Plato?

¹ Dionysius I. 25.

² Dionysius I. 28.

³ Dionysius I. 17,

⁴ Dionysius I. 23.

⁵ Dionysius I. 28.

this inversion of a story into its opposite is a characteristic of legendary history¹⁰⁶. The etymology, whether invented or repeated by Myrsilus, sounds childish: yet it is easy to see how it arose out of the notion that these Pelasgians, who came into Greece from a remote foreign land, must have been totally different from the primitive Greek race, and that no circumstance could be too fortuitous to account for the identity of name⁷.

A wandering people, called Pelasgians, had obtained settlements in Attica at the foot of Hymettus, after the Dorian migration⁸, on condition of performing taskwork

¹⁰⁶ Since a clear insight into the nature of these inversions removes a number of stumbling-blocks in the field of legendary history, and turns statements that seem to militate against what is evidently true, into testimonies for it, I think it may be useful to promote such an insight by a few examples of very different kinds. The floating rocks which separated the sea frequented by the Greek mariners from that beyond the reach of their navigation, were sailed between by the Argo according to one legend under the name of Cyanæ in the east, according to another under that of Planctæ in the west of the earth. Thera is the mother-city of Cyrene in Libya: and the island of Thera is formed out of the clod given to Euphemus by the Libyan god Triton. One story makes Gillus the Tarentine ransom some Persian captives in Italy and send them to the Persian king: another makes them Samians who were in captivity under the Persian king, and one of whom, Pythagoras, is sent by Gillus into Italy. (See Bentley on the age of Pythagoras: where with a glance he rebukes the absurdity of trying to employ such materials as the groundwork for a couple of stories). The tradition in Wittekind of Corvey, that the Saxons came into Germany across the sea, originated in like manner out of their voyage to Britain. And in the sixteenth century we find the novel of Shylock related as an actual fact; only it is a Christian whose diabolical inexorableness toward a Jew is frustrated by the sentence of a sagacious judge, Sixtus V.

⁷ The same interpretation of the name was also to be found in the Attids: Strabo v. p. 221. d. Others made it allude to white linen clothes: Etymol. M. v. Πελαργικόν; such explanations however were always with reference to these Tyrrhenians: the name of the primitive Greek Pelasgians is universally derived from the ancestor of the race.

⁸ Velleius i. 3. Strabo ix. p. 401. d.

for the state¹⁰⁹. They came last out of Bœotia, having some time before acted in concert with the Thracians in wresting that country from the Cadmeans, who had now returned from Arne¹⁰: but their first appearance had been in Acarnania; and all Pausanias could learn about their extraction, was that they were Sicelians¹¹. That is, so runs the story, they came from the south of Etruria, where their king Maleotes¹² had resided in the neighbourhood of Gravisæ: at all events they must undoubtedly have called themselves Tyrrhenians¹³. This name remained with their descendants, who abode for a long time in Lemnos and Imbrus, and are said to have driven out the Minyæ¹⁴ from thence; afterward, being compelled by the Athenians to emigrate anew, they turned their course, some to the Hellespont¹⁵, some to the coast of Thrace and the peninsula of mount Athos. Hence Thucydides says: Athos is inhabited by a Pelasgian race, the Tyrrhenians, who were formerly settled in Attica and Lemnos¹⁶.

¹⁰⁹ Herodotus vi. 137. Pausanias Attic. c. 28.

¹⁰ Strabo ix. p. 401. d.

¹¹ Attic. c. 28.

¹² Strabo v. p. 225. d. My object here is merely to make out the notion which prevailed among the Greeks, when they had collected their legends in order to get a history out of them, and which guided the writers followed by Dionysius. Else those Sicelians certainly did not come from so far. See below p. 56. note 168.

¹³ Callimachus quoted by the Schol. on Aristoph. Av. v. 832. *Τυρσηνῶν τείχισμα Πελασγικόν*. Other passages are cited in Cluver's *Italia Antiqua* p. 428, 429. The way in which traditions are confounded, is illustrated by Polyænus vii. 49.: he relates of the Tyrrhenians who were driven from Lemnos by the Athenians, and of their wives, the very same story that Herodotus tells of what had happened to the Minyæ 600 years before. iv. 146.

¹⁴ The Minyæ likewise were Thessalians and Pelasgians: no one can seriously hold them to be the descendants of the Argonauts and of Hypsipyle's subjects: and I suspect that, as in the instance of Cyzicus mentioned in note 69, their expulsion was a mere fabrication, arising out of the story, whether true or false, about the emigrating of the Tyrrhenians from Athens to these islands.

¹⁵ Herodotus i. 57.

¹⁶ iv. 109.

These were the only people known at that time in southern Hellas as Pelasgians, the Pelasgic extraction of the Epirots and all other neighbouring tribes having been forgotten; but as they went no less generally by the name of Tyrrhenians, we cannot be surprised that Sophocles, from whom none will look for historical precision, applied the two names jointly, as the common property of the whole nation, to the primitive Pelasgians of Apia. It is just such a mistake as if one were to call the Cimbrians and Gauls under Brennus and Acichorius Welsh Cymri and Irish Gaels.

In the tradition which Aristoxenus followed, Pythagoras was termed a Tyrrhenian from one of the islands whence that people had been driven by the Athenians¹¹⁷, that is, from Lemnos or Imbrus. These Tyrrhenians of the Ægean sea however were much more widely spread: on the Hellespont as far as Cyzicus¹⁸: the pirates too in the Bacchic fable are not Etruscans, nor are they Lemnians, but Meonians or Lydians¹⁹: and that the Meonians were Pelasgians is proved by the stronghold Larissa, which we find amongst them, as in every country inhabited by the Pelasgians²⁰. And now the strange story of the Lydian colony is explained. Before the Pelasgian and Etruscan Tyrrhenians were confounded, one among the forms of legendary narrative, in which one pole is continually shifting into its opposite, derived the Tyrrhenians on the Tiber from those in Meonia, as another did from Lemnos and Imbrus²¹; whereas the converse, as I have stated it above,

¹¹⁷ Diogenes Laertius viii. 1.

¹⁸ Conon 41.

¹⁹ Accetes is Tyrrhena gente, Ovid Metam. iii. 576.; patria Mæonia est, 583: so the Tusca urbs of Lycabas, 624, is unquestionably to be understood of a Lydian city.

²⁰ Strabo xiii. p. 620. d.

²¹ Such was the account of Anticlides; nay he combined an emigration from Lydia under Tyrrhenus with one from Lemnos: Strabo v. p. 221. d.

was the opinion commonly adopted. Finally there is an account which jumbles every thing together; making the Pelasgians emigrate from Thessaly to Lydia, from thence to Tyrrhenia; and again leave Tyrrhenia¹²², and go to Athens and subsequently to Lemnos.

It is to the Pelasgian Tyrrhenians, not to the Etruscans, that we must apply the lines of Hesiod concerning Agrius and Latinus ruling over all the renowned Tyrrhenians²³: and if we keep this distinction steadily in view, an entirely new light is shed over the history of the countries on the coast of the Tyrrhenian sea: for from the Tiber to the borders of Oenotria we find the settlements of the Tyrrhenian nation, not of the Etruscans.

In a history of the origin of Florence²⁴, compiled, perhaps even before the time of Charlemagne, from strange popular legends and poetical sources, the subjects of Turnus, the Ardeates, are called Turini; that is, Tyrrheni: the same name presents itself in that of Turnus, and of the shepherd Tyrrhus²⁵; and was borne without any change by a family of the Mamilian house. Ardea is designated as a Pelasgian city, by the poet who styles it an Argive one founded by Danae²⁶. Now if Ardea is admitted to be a Tyrrhenian city, the legend which represents Saguntum as a colony of the Ardeates²⁷, extends the spreading of the Pelasgians as far as Spain: where moreover the ancient

¹²² Plutarch Romul. c. 2.

²³ Hesiod Theogon. v. 1011—15. But what are the *sacred islands* in this passage?

²⁴ It is preserved in manuscript in Latin, and an Italian version of it is inserted in the chronicle which bears the name of Malespini, where the Turini occur, c. 9. One of the most perplexing points is the evident reference of Fæsula to the fragment of Hesiod LX.

²⁵ The old Latin form of the name must have been *Turrus* or *Turus*: in Greek he is also called *Τυρρηνός*.

²⁶ Æn. vii. 410. comp. 371.

²⁷ Livy xxi. 7. Thus much seems certain, that the Saguntines were not an unmixed Iberian race.

capital Tarraco has been considered as a Tyrrhenian city¹²⁸, perhaps indeed only from its name, yet it may be not erroneously.

Virgil, whose catalogue of the army is a work of great judgement and learning, makes the kingdom of Turnus reach from the Tiber to Terracina. On this coast we find Antium, the founder of which, after the Greek manner of personifying, was a son of Circe, and brother to the founder of Ardea and Rome²⁹: and Circeii must be considered to have been originally a town of the Tyrrhenians, over the whole of which nation the son of the goddess ruled. Terracina is said to be the Latin transformation of Trachina³⁰; and lower down the coast, on the Liris and about it, stood several cities, such as Amyncleæ, Hormiæ, Sinuessa³¹; the names of which, as there are many probabilities against their origin being purely Grecian, lead us to infer that they were Pelasgian; off the coast were the islands called Pontiæ; and inland there was the Pelasgian fort, Larissa. Of Herculaneum and Pompeii we are told by Strabo, that they were founded by Pelasgians and Tyrrhenians³²: of Marcina, near Salernum, that it was a Tyrrhenian city, which had been occupied by the Samnites³³. The Tyrrhenians mentioned in these passages have always been taken to be Etruscans: but that they were Italian Pelasgians is further indicated by the temple of the Argive Juno in the neighbourhood

¹²⁸ Anton. Augustinus De numis dial. 7. p. 94. b.

²⁹ Dionysius i. 72.

³⁰ Strabo v. p. 233. a.

³¹ The authority for Sinope will not stand against that for Σινόεσσα. Amyclæ may have been identical with Amyncleæ, (Salmasius ad Solin. p. 60. b.); and the site at the foot of Taygetus and of Massicus, being similar, may have been designated by the same name. This however has had a remarkable influence on the notions about the settlements on this coast. It was thought Amyncleæ must have been founded by the Lacedemonians; hence their pretended colony near Anxur; and next, when the Sabines and Pelasgians were once confounded, the assertion that the former were Lacedemonians.

³² v. p. 247. a.

³³ v. p. 251. b.

of Salernum; a sanctuary of such antiquity that it was referred to Jason¹³⁴. This is a mark of Pelasgic religion, not of Etruscan: in like manner at Falerii the worship of the same Juno was retained under the sovereignty of its Æquian citizens, from the time of the Siculians, as the Tyrrhenians were called by the Romans³⁵.

Capreæ, it is said, was inhabited by the Teleboans³⁶, who are classed by the genealogy among the Lycaonids and the Pelasgians³⁷; and the Sarrastians of Nuceria were called by Conon Pelasgians from the Peloponnesus and from other quarters³⁸. This derivation is not worth more than all the others which aim at accounting for the presence of that nation in parts so far off from Greece.

Thus we find a line of Tyrrhenian settlements along the whole coast of the sea, which for this reason bore their name³⁹, from Pisa down to the borders of the Oenotrians, whose Pelasgic origin needs no further proof. I now return to the Tiber, to the ground that peculiarly belongs to the history of Rome; and there likewise we may make out that the Pelasgians were the earliest inhabitants.

The Roman historians related that the first people who settled on the banks of the lower Tiber, were the Siculians, who dwelt at Tibur, Falerii, and a number of little towns about Rome: the same people are also called Argives by them, as Argos was termed Pelasgian; and hence it is that Tibur and Falerii are represented as Argive colonies. Moreover the original inhabitants of Latium, as such, went by the name of Aborigines: of whom Cato and C. Sempronius wrote, that they were Achæans, and

¹³⁴ Pliny iii. 9.

³⁶ Virgil *Æn.* vii. 735.

³⁸ Servius on *Æn.* vii. 738.

³⁹ In conformity with this usage, Sophocles in the passage quoted above (p. 17, note 30) called the gulf the Tyrrhenian; and the sea kept the name.

³⁵ Dionysius i. 21.

³⁷ See p. 31.

had already been settled here many generations before the Trojan war: so that they assumed this tribe to have emigrated thus early from the Peloponnesus¹⁴⁰. But *Achæans* was another among the Pelasgic names for the inhabitants of the country afterward called Hellas. These Siculians, Argives, Tyrrhenians, whichever one chooses to call them, were overpowered by a strange people that came down from the mountains of the Abruzzo: the name of the conquerors, who became one people with the conquered, and were called Latins, was forgotten: Varro by an enormous oversight transferred to them that of Aborigines: and Dionysius in following him lost himself in a labyrinth. He pieced together the most heterogeneous statements, the accounts of Roman chronicles with those of Hellanicus and Myrsilus, so as to make the Sicelians* barbarians, and the foes of the Pelasgians and Aborigines: whereas he ought to have seen that the people denoted by all these three names was the same; and, the very thing he wished, a people akin to the Greeks.

This subjugation of the Sicelians in Latium and in the countries more to the south, which made a portion of them leave their homes, is what was regarded as the cause of their emigrating under the name of Tyrrhenians to the eastern parts of Greece, and of their crossing over into Sicily: this is the flight of Sicelus from Rome to the Italian king Morges⁴¹. The date of this event I shall not dream of fixing chronologically: it is no matter to us, that Philistus placed it eighty years before the Trojan war, and Thucydides, probably following Antiochus, two centuries later⁴²: I shall return hereafter

¹⁴⁰ Dionysius i. 11.

* The name of the selfsame people is spelt *Sicilian* or *Sicelian*, according as the authority referred to is a Latin writer or a Greek: for the Σικελοὶ were by the Romans called *Siculi*.

⁴¹ Dionysius i. 73.

⁴² That is, 300 years before the first Greek settlement in Sicily: vi. 2. The statement of Philistus is in Dionysius i. 22.

to this earliest authenticated event in Italian story*. This however is the place to notice that Sikelus and Italus, according to manifold analogy, are the same name¹⁴³. When the Locrians first settled in Italy, they found Sicelians by mount Zephyrium⁴⁴: the same people were still there, in the southermost part of Calabria, during the Peloponnesian war: Thucydides gives the name of Sicelians to the Italiotes of Antiochus, and that of Italus to their king⁴⁵: Morgea, whom Antiochus calls king of the Oenotrians, is, in a legend evidently of very great antiquity, termed King of Sicilia⁴⁶; and, to make it clear that this name embraced the whole of the Italy inhabited by the Oenotrians in its widest range, Siris is represented as his daughter. In a statement preserved by Servius⁴⁷, Italus king of the Siculians is said to have led that people from Sicily to Latium: an inversion in a traditional narrative, which I may henceforth deem it superfluous to notice particularly: it is enough, this story is a new proof of the Oenotrians and the Sicilian Tyrrhenians forming one nation; that of the Italians, in the widest extent given to the name by the natives of the peninsula.

Of the Pelasgian tribes on the coast it was natural that the Greeks should often be led to make mention: but their poets and genealogers had seldom occasion to say anything about the interior of the country. Still, as the existence of a people akin to the Greeks has been

* In the section on the Aborigines and the Latins.

¹⁴³ *Vitalus* and *Sitalus* would be like Σελλός and Ἑλλην (Aristot. Meteorol. i. 14. p. 33. Sylb.): τ and κ are interchanged as in *Latinus* and *Lakinius*.

⁴⁴ Polyb. xii. 5.

⁴⁵ Thucyd. vi. 2. Duker's text retained the reading Ἀρκάδων: which must owe its origin to the notion that the Oenotrians had come out of Arcadia.

⁴⁶ Etymolog. M. v. Σίρις: probably after Timæus: Athenæus xii. p. 523. e.

⁴⁷ On Æn. i. 2. 533.

established by the names of places on the coast of the lower sea about the Liris, so we are convinced by like traces in the interior, that the territory between the two seas was also inhabited by the same nation, until that nation was overpowered or driven out by the foreign tribes of the Opicans and Sabellians. Such traces are furnished by the names Acherontia, Telesia, Argyrippa, Sipontum, Maleventum, Grumentum¹⁴⁸: and the whole country from sea to sea, over which these places are scattered, is what the natives called Italia.

Hellanicus, we must suppose, knew of no other Pelasgians on the Adriatic than those of Spina; or he surely would not have brought them into Tuscany by so circuitous a road. But in accounts of the very highest authority we meet with Pelasgians along the whole coast from the Aternus to the Po. Picenum, goes the tradition, was in the hands of the Pelasgians, before it was occupied by the Sabellian colony⁴⁹; and Pliny informs us, we may be pretty sure from Cato, that, prior to the Umbrians, the Siculians were masters of that coast on which the Senones settled in the fifth century of Rome; where stood Ravenna, which is called a Thessalian city*; and that they likewise possessed the districts of Prætutium,

¹⁴⁸ In the south of Italy and Sicily the Greek names of the third declension in *ας* and *ους*, of the masculine gender, were usually changed in Latin into neuters of the second declension in *entum*, formed from the genitive. This is said to have been a form in the Ætolian dialect; only here the termination was *εντος*, and therefore masculine (Salmas. ad Solin. p. 46. b. E.); and the change is analogous to that which the modern Greek has made in the nominative. So Acragas, Taras, Pyxus, became Agrigentum, Tarentum, Buxentum, and so on. That Maleventum or Maloentum, in the country afterward called Samnium, would in pure Greek have been Maloeis or Malus, was perceived by Salmasius: and I believe I am not mistaken in supposing *Grumentum*, a place on the highest part of the cold Lucanian hills, to be *Κρυμόεις*. The same character is discernible in Laurentum.

⁴⁹ Ante, ut fama docet, tellus possessa Pelasgis: Silius viii. 445.

* Above note 91.

Palma, and Adria¹⁵⁰. It is therefore most probably this Hadria, and not the very recent colony of the Syracusan tyrant, that was classed by Trogus among the towns in Italy of Greek origin⁵¹. In its neighbourhood stood Cypra, called by Strabo a Tyrrhenian city⁵²; which must also refer, not to the Etruscans, but the ancient Tyrrhenians. On the coast of the Gallic part of Picenum was Pisaurum, the Greek coins of which shew that its inhabitants were not Umbrians or Sabellians: they may have been a Greek settlement from Ancona, or on the other hand Tyrrhenians and Siculians who had maintained their independence.

Pliny further says, that together with the Siculians the Liburnians had inhabited the coast of Picenum, and that a Liburnian city called Truentum had continued in existence amid all the changes of the population⁵³: not however assuredly that it retained a distinct character down to the time of Pliny; this can only have been visible to Cato, whom Pliny inconsiderately transcribed from. Hence it looks as if both sides of the Adriatic had been inhabited by the Illyrians: and this is no way surprising; whether we suppose them to have crost the gulf and thus spread from one coast to the opposite, or to have been settled in this manner from a much earlier time. But that extremely accurate and trustworthy writer, Scylax, draws a very positive and express line of distinction between the Liburnians on the eastern coast and the Illyrians⁵⁴, as a totally different race: and the name Truentum has the Pelagic form to which I have before called the reader's attention⁵⁵. At the time when our historical

¹⁵⁰ Pliny iii. 19.

⁵¹ Justin xx. 1.

⁵² v. p. 241. b.

⁵³ iii. 18, 19.

⁵⁴ Peripl. p. 7. Μετὰ δὲ Λιβυρνοῦς εἰσὶν Ἰλλύριοι ἔθνος, καὶ παροικοῦσιν οἱ Ἰλλύριοι παρὰ θάλατταν μέχρι Χαονίας τῆς κατὰ Κέρκυραν.

⁵⁵ n. 148.

accounts of these coasts begin, the Liburnians were very extensively diffused. Corcyra, before the Greeks took possession of it, was peopled by them¹⁵⁶; so was Issa and the neighbouring islands⁵⁷; and thus they form a link between the Pelasgians of Epirus and those in Italy on the coast of the upper sea... themselves—I venture the conjecture—a Pelasgian race. In fact, long before the time when our history happens to commence, the face of Europe had been changed by migrations not inferior in power or in the multitudes that took part in them, to those which gave rise to the later revolutions in the destiny of nations; and such a movement of countless hosts, no recollection of which would have remained but for a merely incidental mention without any indication of the date, was the expedition of the Illyrian Encheleans, who seem to have penetrated into the heart of Greece, and even to have sacked Delphi⁵⁸. I conceive this must have been a migration of the whole Illyrian people from far-off northern countries; and I believe that the earlier Pelasgian population in Dalmatia, which was overpowered by them, was not quite exterminated. We read of Pelagonians on this coast*; an Epirot race of the same name occurs on the confines of Macedonia and Thessaly: and when it is said that the Hylli were Greeks who had been barbarized†, the correct presumption is, that they were a branch of the Pelasgians, not of the remote Hellens, who did not become powerful and numerous till late.

Herodotus, whose statement concerning the Teucrian origin of the Pæonians⁵⁹ on the Strymon is not more

¹⁵⁶ Strabo vi. p. 269. d.

⁵⁷ Schol. Apollon. iv. 564. Of their extension toward the north I shall speak lower down: see notes 503—505.

⁵⁸ Herodot. ix. 43. Comp. Eurip. Bacch. 1333, and Musgrave's note.

* Strabo. vii. p. 328. c.

† Scymnus. vv. 407—410.

⁵⁹ v. 13. vii. 20. 75. From the catalogue in the Iliad it certainly appears that the supremacy of Troy extended over Thrace and beyond the Strymon even down to mount Olympus.

vague than others of his on similar points, must certainly have conceived that they remained behind there during the march of the Teucrians and Mysians, prior to the Trojan war, when these nations were overrunning the countries down to the Ionian sea. Unquestionably they were neither Thracians nor Illyrians; and so there is no family with which we have better grounds for connecting these Pæonians on the Strymon, than with that of the Macedonians and Bottiæans. On the other hand it continues a matter of doubt whether the later Greeks were justified in considering the Pannonians as Pæonians. It is worthy of remark however with regard to this point, that the Pannonians must have had a very great facility for acquiring the Latin language; since under Augustus, a very short time after they became dependent upon Rome, the use of it was generally diffused among them¹⁶⁰: in the same manner it is in Pæonia and upper Macedonia, and in the territory of the Epirot tribes on the borders of Thessaly, that the Walachian tongue arose; while the Illyrians retained the Schypian.

I am anxious to close my statement of these researches; for in proportion as the extent they assign to the Pelasgians increases, so, I am aware, do the scruples they are likely to raise: I take leave to reserve notices concerning Iapygia of the same kind with those hitherto produced, until I collect the accounts left of that country: where the Peucetians, no less than the Oenotrians in the southwest, were derived by Pherecydes from Pelasgus; and where what is related of Illyrian immigrations, ought perhaps to be referred to the Liburnian inhabitants. I am standing at the goal, and from it a survey may be taken of the circle in which I have found and proved the existence of Pelasgian tribes, not as vagrant gypsies, but firmly settled, as powerful, respectable nations, in a period for the greater part

¹⁶⁰ Velleius ii. 110. In omnibus Pannoniis non disciplina tantummodo sed linguae quoque notitia Romana.

anterior to our Grecian history. Nor is it as a hypothesis, but with full historical conviction, that I say, there was a time when the country from the Po and the Arno to the Rhyndacus was inhabited by the Pelasgians, then perhaps more widely spread than any other people in Europe; only the line of their possessions was broken in Thrace, so that the chain between the Tyrrhenians of Asia and the Pelasgian city of Argos was kept up by the isles in the north of the *Ægean*.

But when the genealogers and Hellanicus wrote, all that was left of this immense race, were solitary, detached, widely scattered remnants, such as those of the Celtic tribes in Spain; like mountain-peaks that tower as islands, where the plains have been turned by floods into a sea. Like those Celts, they were conceived to be, not fragments of a great people, but settlements formed by colonizing or emigration, after the manner of the Grecian which lay similarly dispersed. This being once assumed as necessary,—and, so soon as the vast original magnitude and extent of the nation were lost sight of, this notion naturally suggested itself—it seemed to be at all events deducible from all the circumstances and consistent with all the relations of the case, that the Tyrrhenians at Cortona should have come from Spina at the mouth of the Po: this however does not make the account given by Hellanicus of the slightest value in a historical point of view; any more so than those which describe the pretended expeditions of Odin and the *Asæ* from the Tanais into Scandinavia.

Pherecydes had not the same grounds, which justified Hellanicus in the case of the insulated Pelasgians at Spina and Cortona, for assuming that the Oenotrians and Peucetians, to whom he should also have added the Sicelians in the island, had migrated from Hellas. What imposed upon him, was the fallacy, which is still so general, that tribes of a common stock must have sprung genealogically by ever-widening ramifications from a single root. This fallacy escaped detection among the ancients, owing

perhaps to their admitting a number of originally different races of men. They who deny such a plurality, and mount up to a single pair of ancestors, must devise a miracle to account for the diversities in the bodily structure of the different races; while they cling to that of the confusion of tongues, as a solution for the diversities in such languages as are essentially and radically distinct. The assumption of such miracles is not an offense against reason: for, since the ruins of a former world manifestly shew that, before the present order of things, another must have existed, it is certainly conceivable that the present order should at one time have undergone a material change, and yet not have been totally interrupted. The offender against reason is he who distorts the laws of experience, that without regard to truth he may maintain the conceivableness of what directly contradicts them. In matters of history reason demands our acknowledging that the origin of things lies in every case beyond the sphere of our notions, which comprehend only their developement and progress; and accordingly the historical inquirer will confine himself to going backward from one step of time to another. In doing so he will frequently find tribes of the same stock, that is, having the same peculiar features of character and language, on the opposite coasts of the same sea; for instance the Pelasgians in Greece, in Epirus, and in the south of Italy: without being any way justified in assuming that one of these separate regions was the original home whence a part of the inhabitants emigrated to the other. In like manner we find the Iberians on the islands of the Mediterranean; the Celts in Gaul and in Britain: and this is analogous to the geography of the animal and vegetable kingdoms; the great circles of which are separated by mountains, and inclose narrow seas¹⁶¹.

¹⁶¹ The author of a remark by which prejudices are irritated, must guard it against misconstructions. I am far from meaning to assert that those extensive seats of the Pelasgians were their original country from the
the

The further we go back into antiquity, the richer, the more distinct, and the more broadly marked, do we find the dialects of great languages: they subsist one beside the other, with the same originality and in the same manner as if they were totally different tongues. The existence of a universal German or Greek language from the beginning is a mere idea: it is when the dialects, after being impoverished and enfeebled, become extinct, and when reading grows to be general, that a common language arises. Nor do languages ever intermix, except where whole tribes, or large masses of people, such as slaves that have been imported in swarms, are forced to adopt a strange one. In like manner do we find new forms arising in the corporeal world: and these may deviate further from the type whence they sprang, than other kinds which are essentially different.

In a rich family of languages one dialect will diverge from another, until it rather deserves the name of a sister tongue; without however having anything yet in it essentially foreign. But as we find transitions in nature with regard to other things, so do we find them in the human race with regard to languages: in many we see marks of an affinity to two others, which, especially in their roots, are entirely strangers: and when this is the case without our discovering any certain traces of violent alteration in the forms of the words, it is illogical to presume that such a language must be a new one produced by the intermixture of the other two. Sometimes too we may look in vain for a language, to which the foreign element whence it receives its peculiar character, can belong.

the beginning of the human race; however high we may rise toward that epoch, still the annals of the Egyptians and Babylonians would not fill up more than a small part of the inscrutable period during which nations must have been in no less active collision than in after times. I only protest against the building on an assumption which is utterly unfounded.

Thus two languages may in some respects be nearly akin, in others altogether alien. Such is the relation between the Slavonic and Lithuanian, perhaps also between the Gaelic and Welsh: in this manner the Persian is connected with the Slavonic in many of its forms and roots. In Latin there are two elements mixed up together; one connected with the Greek, the other entirely foreign to it. But even in the former the distinction is no less evident than the affinity: and it was just the same with the Pelasgians and Greeks as races; hence it came that the latter, notwithstanding their affinity, could look on the former as foreigners, and call their language a barbarous one¹⁶².

The Oenotrians, as the Greeks, and possibly the Greeks alone, called them, dwelt in Bruttium and Lucania: for, before the irruption of the Sabellians, the west coast also as far as Posidonia belonged to Oenotria⁶³; it was here that Elea was founded by the Phocæans⁶⁴; here too lay the Oenotrid islands*. Two distinct tribes of Oenotrians are spoken of: the Italiætes, in the southernmost peninsula; the Chonians to the north, without the isthmus, stretching up to Iapygia. The former are said to have led

¹⁶² Aristotle says (Meteorolog. i. 14.) the Hellens were called Γραικοί at the time they were inhabiting the highest mountain land of Epirus; and, as is well known, that name was used by Callimachus and by Alexander the Ætolian. These poets belonged to a school fond of hunting out for every rare word to ornament their diction: in Latin however the name of *Græci* was not imported out of books, but was in use from time immemorial together with *Graii*; the latter being in early times the prevalent form. It will be found to be a general rule in the old Latin, that nations had several names; a simple one and derivatives from it: such are *Graii* and *Graici*. Aristotle's account was most probably derived from the Epirot λόγοι, and the name was a Pelasgic one; in this way it came to the Romans; and we can easily explain how an Ætolian happened to use it.

⁶³ Dionysius i. 73. Seymnus-Chius v. 249. 244.

⁶⁴ Ἐκτήσαντο πόλιν γῆς τῆς Ὀινωτρίας ταύτην ἥτις νῦν Ἰέλη καλεῖται. Herodot. i. 167.

* Pliny iii. 7.

a pastoral life, until, long before the age of Minos, they were induced by Italus, a powerful, wise, and heroic man, partly by persuasion and partly by constraint, to betake themselves to tillage, and to submit to laws: being thus moulded into a new people by him, they named themselves and their territory after him. His laws established *syssitia* or public meals for the men, to which each furnished his prescribed share. This custom, with some other laws attributed to Italus, was preserved down to a very late period, as long as any remains of the nation were to be found¹⁶⁵.

The story in which the Italiotes are represented as splitting into two hostile tribes, the Sicelians and the Mørgetes, can only be considered as a mythical way of recording that the former, a people powerful in their own island, were descended and had separated from the Oenotrians. Else the name of the Sicelians, as I have already remarked⁶⁶, was equivalent to that of the Italians; it comprehends the Chonians also⁶⁷, and thus corresponds entirely with that of the Oenotrians: nay it extends across the Ionian sea amongst the Epirots, where Echetus, who ruled at Bucheta⁶⁸, is called king of the Sicelians. In the *Odyssee*, when this name occurs, the people meant seem to be the Epirots⁶⁹: and thus we get a solution for the origin of those Tyrrhenians who migrated to Athens, in the mention of their having come out of Acarnania. Not that they had sailed from

¹⁶⁵ Aristot. *Polit.* vii. 10. p. 198. Sylb. Dionysius i. 35: both after Antiochus. Aristotle's adding, these laws are even now still in force (*καὶ νῦν ἔτι*), is certainly surprising: it is scarcely possible that there should have been any Oenotrians in the fifth century living according to their own laws.

⁶⁶ See above p. 47. note 143.

⁶⁷ According to an ancient fable, which calls Siris the daughter of Morges, and her husband Scindus: *Etymol. M.* v. Σίρις.

⁶⁸ Schol. on the *Odyssee* Σ. 85.

⁶⁹ I have proved this in the *Rhenish Museum* i. p. 256.

the Tiber and halted there: but they were Pelasgians of Epirus; at the time represented in the catalogue of the Greek army before Troy, that people were still masters of this country, which, like Thesprotia, did not yet form a part of Greece.

That the Epirots and Oenotrians were branches of the same nation, is a fact of which yet further indications are supplied by the geographical names, and those surer than such arguments are usually. In Aristotle's account of the Oenotrians, the reading, before it was altered by Victorius, was not *Chones*, but *Chaones*¹⁷⁰: and in whatever way the name of that extinct race was spelt by Aristotle, it is no less certain that it was the same on both coasts of the Ionian sea, than that the Molossian king Alexander found to his ruin, there was a Pandosia and a river Acheron in Oenotria as well as in Thesprotia*.

This Pandosia had been the seat of the Oenotrian kings⁷¹: the town of Chone, in the territory of Crotona⁷², is a proof that at all events the whole of Oenotria to the north of the isthmus belonged to the land of Chonia or Chone⁷³. But there were also Chonians in the Siritis and at Polieum, found there by the Ionians who were driven from Colophon by the Lydians; and these fugitives, being perhaps rendered ferocious by their misfortunes, inhumanly slaughtered them⁷⁴. The taking of Colophon may be dated about the 25th Olympiad, the year of Rome 75⁷⁵: and soon after comes the origin

¹⁷⁰ It is owing only to the learning of Demetrius Chalcocondylas, that his manuscript anticipates this emendation. In Strabo also, xiv. p. 654. d, we find *Chaonia* instead of *Chone* or *Chonia*.

* Livy viii. 24.

⁷¹ Strabo vi. p. 256. b.

⁷² Strabo vi. p. 254. b.

⁷³ Casaubon on Strabo, p. 255.

⁷⁴ Strabo vi. p. 264. b. compared with Athenæus xii. p. 523. c. (where ἐκβληθέντες should be inserted after Κολοφωνίων) and Aristotle Polit. vii. 10.

⁷⁵ Under Gyges: who according to Herodotus, supposing the date of the fall of Sardes to be determinate, reigned from Ol. 15. 3 to 25. 1: according to Eusebius, from Ol. 20. 2 to 29. 1. The latter statement seems

of the Ionian city of Siris. The dominion over its rich plains was for years the subject of a feud between Tarentum and Sybaris; these states at the height of their greatness continuing to keep up the hereditary hatred which prevailed between the Dorians and Achæans. To exclude Tarentum from the Siritis, the Sybarites procured the founding of Metapontum. As to the date of this we are unfortunately without any information; it is therefore only by conjecture, but without risk of going very far wrong, that we can place the wars of the Metapontines against Tarentum and the Oenotrians of the interior¹⁷⁶, which were terminated by a cession of territory on the part of the former, about the middle of the second century. So at that time there were still independent Oenotrians. Subsequently however far the greater part of the country afterward called Lucania must have been subject to Sybaris. The statement indeed that her citizens amounted to three hundred thousand, is at the least uncertain—although, supposing that number to embrace all who had the rights of isopolity, it is not to be rejected as utterly impossible—and so is that which assigns the same number to the army she sent against the Crotoniats: there is no ground however for entertaining any doubt touching the four nations and five and twenty cities said to have been subject to her⁷⁷: and her founding Posidonia and Laos on the lower sea shews that the

to rest on the authority of Apollodorus: as I conclude more especially because Eusebius names Archilochus, the contemporary of Gyges, under the last mentioned Olympiad, and Nepos, who followed Apollodorus, makes him flourish in the reign of Tullus Hostilius. (See Gellius xvii. 21.) The praise bestowed by Archilochus on the Siritis (in Athenæus xii. p. 523. d.) was occasioned by the success of that Ionian settlement at a distance from the barbarian conquerors.

¹⁷⁶ Πολεμοῦντας πρὸς τοὺς Ταραντίνους καὶ τοὺς ὑπερκειμένους Οἰνωτρούς. Strabo vi. p. 265. a.

⁷⁷ Strabo vi. p. 263. b.

dominion of Sybaris reached from coast to coast; these colonies being evidently designed to protect her frontiers. In like manner Terina was founded by Croton on the lower sea; as were Hipponium and Medma by Locri. To this period, under the dominion of all the Italian Greeks, and not of the Sybarites alone, are we to look for the general bondage of the Pelasgians¹⁷⁸; that is, of the Oenotrians in the immediate territory of the cities; although in several districts it certainly lasted much longer. Many thousands however had a happier lot; for immense numbers were admitted to the rights of citizenship⁷⁹: this is the only way of explaining how Sybaris and Croton had inhabitants to fill a range of walls, a very small portion of which would have sufficed for the descendants of the first settlers; and of this plebeian population the main part must have been natives of the country, chiefly Pelasgians.

Whether the whole of the Sybarite territory fell under the power of Croton, is not known; nor how long that city maintained the predominance she had acquired. The period of her most flourishing condition does not seem to have been long; and when she too had fallen from her eminence, a part of her subjects may have recovered their freedom. When Antiochus however drew the boundary of Italy from the Laos to Metapontum, in 329, the Oenotrians to the west of that line had already been subjugated by the Lucanians; not expelled⁸⁰: hence this coast, though no longer accounted a part of Italy, is still called Oenotria⁸¹. The time of migrations was gone by; it was more profitable to the conqueror to have tributary subjects than herds of

¹⁷⁸ Above, p. 26. and n. 58.

⁷⁹ Diodor. xii. 9.

⁸⁰ As Strabo erroneously words it: τῶν Σαννιτῶν αὐξηθέντων ἐπὶ πολὺ, καὶ τοὺς Οἰνωτροὺς ἐκβαλόντων. vi. p. 253. b.

⁸¹ Above p. 18. n. 33.

slaves that he was to buy: and that the main part of the inhabitants in Lucania did not belong to the ruling Sabellian race, is proved by the fewness of the Lucanians in the census taken in the Cisalpine war¹⁸². It may be conjectured that even by Antiochus the Chonians had been spoken of as an extinct race, as they are by Aristotle⁸³: not that they had been extirpated by the inhumanity of the sovereign Greek cities on the west coast of the Tarentine gulf; the cause of their disappearance was, that they did not even form dependent townships, but were degraded to a state of villanage, and adopted the language and habits of the Greeks⁸⁴; as was done, under circumstances far less oppressive, by their kinsmen, the Sicelians of the island⁸⁵; and by the Epirots; who by Polybius are not distinguished from the Greeks, although the wild tribes of the Ætolian mountains are so.

The facility with which they were thus moulded into Greeks, is a characteristic of the Pelasgian tribes, and a main cause of the breaking up and extinction of the nation. It is natural to view it as a result of the original affinity between the two races, which yet were not on that account the less essentially different; and such I believe to have been the case: yet we may observe a magical power exercised by the Greek language and national character over foreign races that came in contact with them, even where no such affinity can be supposed. The inhabitants of Asia Minor began to be hellenized from the time of the Macedonian conquest, though very few genuine Greeks settled amongst them: Antioch, though the language of the common people was a barbarous one, became altogether a Greek city; and the entire transformation of the Syrians was averted only by their Oriental

¹⁸² 30000 foot and 3000 horse: Polybius II. 24.

⁸³ Polit. VII. 10. ἦσαν καὶ οἱ Χῆρες Οἰετροὶ τὸ γένος.

⁸⁴ Pandosia, the ancient residence of the Oenotrian kings, is called in the time of Philip a Greek city: Scylax p. 4.

⁸⁵ Diodorus v. 6.

inflexibility. Nay the Albanians, who have settled as colonies in modern Greece, have adopted the Romaic language by the side of their own, and in several places have forgotten the latter: it was in this way alone that the immortal Suliotes were Greeks; and even the noble Hydriotes, whose destruction we shall perhaps have to deplore before the publication of this volume, are Albanian settlers.

In the growth of so numerous a Greek population in Oenotria, we find a justification for the name of Magna Græcia. That the change was complete, appears from the language of the Bruttians being Greek, though the Oscan had also been introduced*; and by the Romans they were considered so much in the light of foreigners, that, in the enumeration of the Italian forces for the Cisalpine war, their fighting men, like those of the Greek cities, are omitted. Calabria, as well as Sicily, continued to be a Grecian land, though the Romans planted colonies on the coasts: the Greek language did not begin to give way there till the fourteenth century; and it is known to have prevailed not three hundred years since at Rossano, and no doubt much more extensively; for our knowledge of the fact as to that little town is merely accidental: indeed even at this day there is a population that speaks Greek remaining in the district of Locri¹⁸⁶.

At the time of the Peloponnesian war there were Sicelians still existing in the southermost parts of Italy⁸⁷;

* See note 310.

¹⁸⁶ For the assurance of this fact, which is stated doubtfully in several books of travels, I am indebted to the Neapolitan minister, Count Zurlo; whose learning precludes the possibility of his having confounded the natives with the Albanian colonies. I seize this opportunity of adorning my description of the nations belonging to the golden age of Italy, with the name of a man, whom the shades of the ancient Samnites would rejoice in as their worthy descendant, the last survivor of that intellectual prime of Naples, which after blooming for a century was extinguished in blood in 1799: may he accept this offering of veneration.

⁸⁷ Thucydides vi. 2.

and they must have formed distinct communities, even though they may have been dependent on more powerful states; since they still preserved their *sysitia* and other hereditary institutions¹⁸⁸. I refer this to the time of Antiochus: ninety years later, when Aristotle wrote, it seems quite out of the question. It is true, some twenty years before, the southern half of Lucania, which as then extended to Rhegium⁸⁹, had separated itself and formed an independent people; and their name of revolted slaves⁹⁰, which the insurgents accepted as a term of defiance, authorizes us in rejecting the silly tale that they were Lucanian youths exasperated by hard treatment, and in looking for their origin to the ancient serfs; in supposing that such Oenotrians as remained, being strengthened by the accession of Oscan freebooters, after the power of the Greek cities was broken by the Lucanians, had in this manner recovered their freedom. But this was a new epoch; and when the Bruttians arose, they were a new people, little likely to retain any primitive institutions.

When the Roman arms reached these parts, there was no people in Magna Græcia except Lucanians, Bruttians, and Greeks: the Oenotrians were known solely to the learned, and in the writings of the Italian Greeks.

¹⁸⁸ Aristotle Polit. vii. 10.

⁸⁹ This extent is ascribed to it by Seylax.

⁹⁰ Bruttians: Strabo vi. p. 255. b. Diodorus xvi. 15.

THE OPICANS AND AUSONIANS.

THE country between Oenotria and Tyrrhenia was by the Greeks called Opica or Ausonia. Aristotle says: on the borders of the Oenotrians, toward Tyrrhenia, dwelt the Opicans, formerly and to this day known by the additional name of Ausonians¹⁹¹: he does not confine their country to Campania; for he terms Latium also a district of Opica⁹². Cuma in Opica was distinguished by that adjunct from the one in Æolis: Nola was called by Hecatæus an Ausonian city⁹³; by others it would be called an Opican one. The south-east boundary may be regarded as indeterminate, and may have been enlarged with the conquests of the Samnites in Oenotria: there is also an indeterminateness in the Roman account, that Ausonia was once the name of the country between the Apennines and the lower sea⁹⁴. The notion that Temesa, which lay far to the south, and from which the Greeks of the Homeric age drew their copper⁹⁵, was founded by the Ausonians⁹⁶, seems to rest only on a misunderstanding of the expression used by an Alexandrian poet⁹⁷.

It is an erroneous notion, occasioned by an inaccuracy of language, that the territory occupied by the Ausonians in the earliest times is extended by Aristotle at least as far south as the Silarus. If we

¹⁹¹ Polit. vii. 10.

⁹² Ἐλθεῖν (τῶν Ἀχαιῶν τινὰς μετὰ τὴν Ἰλίου ἄλωσιν) εἰς τὸν τόπον τοῦτον τῆς Ὀπικῆς δὲ καλεῖται Λάτιον, ἐπὶ τῷ Τυρρηνικῷ πελάγει κείμενος. Dionysius i. 72.

⁹³ Stephanus Byz. v. Νόλα.

⁹⁴ Fest. Epit. v. Ausoniam.

⁹⁵ Odys. α. 184.

⁹⁶ Strabo. vi. p. 255. c.

⁹⁷ See above, p. 23. n. 49.

suppose a line carried along mount Garganus and the ridge of hills which form the northern border to the valley of Beneventum, and prolong it to the Volturnus somewhere between Telesia and Allifæ, the whole coast and country to the south of it still belonged to the Tyrrhenians and Italians, long after the establishment of the Greek settlements in Italy. Hence the land of the Opicans contained only the northern districts of Samnium¹⁹⁸: and there remained a recollection that the land about Cales and Beneventum was the country first called Ausonia⁹⁹.

Aristotle tells us that *Opican* was the general name of the nation, *Ausonian* the particular name for a branch of it²⁰⁰: in this passage again he unquestionably had Antiochus before him; which renders it clear in what sense we are to understand the statement quoted from the latter, that the Ausonians and Opicans were the same people¹. It is a common source of the most perplexing confusion with regard to the ages of legendary history, that many nations consisted of several tribes, which are sometimes spoken of under their own name, sometimes under the common one: and thus, when one story talked of Pelasgians, another of Sicelians or Tyrrhenians, as the inhabitants of a country, it was commonly supposed even among the ancients that they were two races which had dwelt there either together or successively. So Polybius has spoken of the Opicans and Ausonians as two different nations inhabiting the coast around the bay of Naples²: for no one is endowed with every gift; and that

¹⁹⁸ Strabo v. p. 250 b.

⁹⁹ Fest. Epit. v. Ausoniam.

²⁰⁰ Ὀπικοὶ, τὴν ἐπωνυμίαν Ἀυσονες κληθέντες. Polit. vii. 10.

¹ Strabo v. p. 242 c. Ἀντίοχος φησὶ τὴν χώραν ταύτην Ὀπικὸν οἰκῆσαι, τούτους δὲ καὶ Ἀυσονας καλεῖσθαι.

² Strabo proceeding in the passage just cited: Πολύβιος δ' ἐμφαίνει δύο ἔθνη νομίζων ταῦτα. Ὀπικὸν γάρ φησι καὶ Ἀυσονας οἰκεῖν τὴν χώραν ταύτην περὶ τὸν Κρατῆρα.

excellent historian of the period which lay immediately before his view, as he felt no interest in investigating primitive history, is of no authority on such points. In like manner Strabo distinguishes the Ausonians from the Oscans, making the former the earlier inhabitants of Campania, the latter a tribe that occupied the country after them²⁰³. A writer, whom he quotes without naming him, carries the erroneous subdivision still further, speaking of Opicans, Ausonians and Oscans, as having inhabited Campania in succession; then came the Cumans, after them the Tyrrhenians, and finally these were subdued by the Samnites⁴. The Oscans Strabo considers as extinct, and accounts the Sidicines a branch of them⁵: so that he seems to apply that name, as far as he has any clear view touching the matter, to those Ausonians who continued unmixed with the Samnites. He may have been led to do so, from finding the Samnites and other Sabellians called Opicans by Greek authors⁶. It might seem to this able writer convenient to get rid of an ambiguity by borrowing the Latin form, giving it a definite meaning, and allowing the Greek form to preserve that which had crept into it. For surely he can scarcely have been ignorant that *Opicus*, *Opiscus*,

²⁰³ v. p. 232. d. p. 233. a.

⁴ Strabo, v. p. 242. c, goes on thus: "Ἄλλοι δὲ λέγουσιν, οἰκούντων Ὀπικῶν πρότερον, καὶ Ἀυσόνων οἱ δ' ἐκείνους (σὺν ἐκείνοις), κατασχεῖν ὕστερον Ὀσκων τι ἔθνος, τούτους δ' ὑπὸ Κυμαίων, ἐκείνους δ' ὑπὸ Τυρρηνῶν ἐκπεσεῖν—(τούτους δὲ Καπύης) παραχωρῆσαι Σαννίταις.

⁵ v. p. 237. c. Ὀσκοι, Καμπάνων ἔθνος ἐκλελοιπός· and p. 233. a. τῶν Ὀσκων ἐκλελοιπότην.

⁶ After the authority of the younger Dionysius was subverted, the whole island was in danger of falling into the power of the Phenicians or of the Opicans. Epist. Plat. viii. p. 353. d. These Opicans can be no other than the Sabellian mercenaries, who somewhat later were called Mamertines and Campanians: the military forces of the Greek states in Sicily consisted chiefly of these troops.

and *Oscus*, are the same name, as is expressly remarked by Roman grammarians²⁰⁷: the first form was the only one adopted by the Greeks, and the last became the prevalent one in Latin. It is true he ought then to have called the people who dwelt in Samnium before the Sabellians, the Oscans, not the Opicans⁸: but this is a piece of forgetfulness that even the most accurate may fall into.

The name of Opicans was associated by the Greeks, from its being borne by their ferocious mercenaries, with the notion of savage barbarians. Even the Romans, as the kinsmen of the Mamertines, were designated by them with this name of dishonour, and that too so late as in the time of Cato: although they were zealous, when seeking for favour or protection, to maintain that the Samnites were sprung from the Laedemonians, the Romans from the Arcadians.

But if those Opicans who were driven out by the Samnites, were Oscans, it is singular at the least that the language of the conquerors and of the tribes that issued from them, is called Oscan⁹. However supposing the Oscans who remained in their country, to have far outnumbered their conquerors, theirs might become the prevailing language, in a mixed, if not in a pure state; even if they were a race entirely different from the Sabellians in stock and speech: thus the Italian was very soon adopted by the descendants of the Lombards: history for centuries speaks only of the Lombards in Italy, though they were merely a small part of the

²⁰⁷ Festus v. *Öscum*. In omnibus fere antiquis commentariis scribitur *Opicus* pro *Osco*.

⁸ v. p. 250. b. ἐν τῇ τῶν Ὀπικῶν—ἐκβαλόντες ἐκείνους.

⁹ Livy x. 20. To spy out the movements of the Samnite army, men *gnari Oscæ linguæ* are sent. To bring proof that the language of the Campanians was Oscan, would be superfluous: the Oscan spoken by the Bruttians (Fest. Epit. v. *bilingues Brutates*) can have come to them only from the Sabellians.

population; but we never hear of a Lombard language. That a mixture had taken place, is expressly asserted by Varro, at the very time he is speaking of the languages as completely distinct¹⁰: he however is not a witness whose words will justify us in concluding that there was no affinity between the two¹¹.

The Oscan was spread over the whole south of Italy, even down to Bruttium and Messapia; the country of Ennius, who spoke both Oscan and Greek as his mother-tongues. Its dialects must have differed greatly; since those who spoke it, were partly the old Ausonians, partly nations in whom not only the Sabellians but the Oenotrians also were grafted on the Oscan stock: and such dialects must be exhibited by the inscriptions in this language which have been preserved in various parts.

The Oscan language however is by no means an inexplicable mystery like the Etruscan: had but one single book in it been preserved, we should be perfectly able to decipher it out of itself. Of the inscriptions, some may be made out word for word, others in part at least, with complete certainty and without any violence. We discover therein that other element which is mixed up with the Greek part of the Latin language; and the forms are such as in Latin have lost some of their syllables and their terminations, after the custom of languages when they intermix and grow old: grammatical forms too and inflexions are common, which in Latin appear but rarely and as exceptions. Since this language is not unintelligible to us, it is not surprising that dramas in it were perfectly intelligible to the Romans; nothing but a little practice was requisite¹².

¹⁰ *Sabina usque radices in Oscanam linguam egit: De L. L. vi. 3. p. 86.*

¹¹ *Hirpus* meant a *wolf* in the Samnite (*Festus v. Irpini*); and so it did in the Æquian. *Pliny vii. 2; Solinus p. ii. b. comp. note 231.*

¹² In investigations so multifarious and extensive as this history requires, it is cheering to find persons qualified for doing so ready to

I now return to the Ausonians, whom on the testimony of Antiochus we must consider as a branch of the Oscan nation. Their name has a sound which is quite foreign to Italy, and which it acquired in the mouth of the Greeks. The native form must have been *Auruni*; for from this, it is plain, is *Aurunci*²¹³ derived; and we do not in truth require the opinion of Dion Cassius and Servius, to establish that the Ausonians and Auruncians were one people¹⁴. The district inhabited by the latter was that mentioned by Livy as the seat of the last Ausonians: their town of Cales was taken in 419, and three others belonging to them on the lower Liris were destroyed in 440 in an unprovoked war of extermination*. Livy's calling them Ausonians in these passages, and not Auruncians, may be explained thus: it is almost certain that in this part he had the books of Dionysius before him, and he copied from them without consideration: hence too about the same period he has been led to talk of the Messapians†, when according to Latin usage he should have called them the Sallentines.

Among the cities of the Auruncians Suessa is known to us; it lay in the very heart of the country possessed by the Ausonians. As to the mention made of them long before, soon after the expulsion of the Tarquins, it is plain that in the old annals the Volscians were also called Auruncians, and that it was only the later historians who fancied they were two different nations¹⁵.

relieve us by carrying on some of those which do not immediately concern the main object of the work. I am very glad to forego the intention I before announced, of giving a view of the Oscan language from its remains, since that task has been undertaken by Professor Klenze.

²¹³ *Auruncus* is *Aurunicus*: see below note 244.

¹⁴ Dion Cassius fr. iv. p. 4. ed. Reim. Servius on *Æn.* vii. 727. Festus, v. *Ausoniam*, calls the mythical hero, Auson, the founder of Suessa Aurunca: that is to say, the Auruncians were Ausonians.

* viii. 16. ix. 25.

† viii. 24.

¹⁵ The war in which Pometia and Cora suffered such terrible punishment for their revolt, is told by Livy twice over; under the

This agrees with our finding Scylax including the inhabitants of the whole coast for a day's journey to the south of Circeii²¹⁶, that is, as far as the Volturnus, where in history we meet with Volscians, Ausonians and Auruncians, under the name of the first. For *Olsi*, as it stands in the *Periplus*¹⁷, is no error of the transcriber; it is *Volsi*, dropping the digamma; hence *Volsici* was derived, and then contracted into *Volsci*. The *Volscentes* or *Volcentes*, a people of whom we know nothing else, but who make their appearance along with the Lucanians¹⁸, are probably the same nation; that is, ancient Opicans driven southward by the Sabellian immigration, but who had maintained their independence among the Lucanians: their name is a remarkable instance of the almost endless variations to which those of the Italians are subject¹⁹. Thus

year 251 of the Auruncians, and of the Volscians under the year 259. *Ἀργυρούσκων*, in Strabo v. p. 231. a, in the list of the ancient inhabitants of Latium, is an error of the copiers for *Ἀυρούγκων*.

216 Which he states at 500 stadia, p. 30: unless φ ought to be changed into ψ.

17 Ὀλσολι. *Peripl.* 3.

18 Livy xxvii. 15.

19 It is a peculiarity of the Latin language, that the simple form of the name of a nation, which often seems to have been one with the name of its *ἀρχηγέτης*, gives rise to derivatives, and these again by composition or contraction to new ones, which are all used without any additional meaning in the same sense as the simple one. The latter seldom continued current, and in the case of no one people do we meet with all the derivative forms: but by collecting the different ones that occur we may obtain a complete view of their analogy. The simple forms were *Æquus*, *Volsus*, *Italus*, *Umbër*. The first class of derivatives end in *icus* (*sicus* is shortened into *scus*), *ulus*, *anus* or *inus* and *unus*: *Hernicus*, *Opicus*, *Italicus*, Ὀμβρικὸς, *Græcus* instead of *Graicus*—*Volscus*, *Tuscus*, *Etruscus*—*Siculus*, *Apulus*, Ἀικλος, *Rutulus*, *Romulus* as a national name, *Poenulus*—*Romanus*, *Lucanus*, *Campanus*, Ἀικανὸς, *Sabinus*, *Latinus*, *Aurunus*. The compound inflexions end in *iculus*: *Æquiculus*, *Volsculus*, *Poediculus*, *Saticulus*, *Græculus*:—*Sabellus* comes from *Sabulus*, like *ocellus* from *oculus*:—in *icinus*: *Sidicinus*:—in *unicus*: *Auruncus*. *Tuscanicus* is at least used as an adjective. The

came the form *Volusci*, which the Greeks took to designate the Volscians: and I have no doubt that the *Elisyci* or *Helisyci*, mentioned by Herodotus as one of the tribes among which the Carthaginians levied their army to attack Sicily in the time of Gelon²²⁰, are no other people than the Volscians. Hecatæus indeed had called the Helisyci a Ligurian tribe²¹; but this can only be taken in a very vague sense; thus, as Dionysius says, by some Greeks the Romans, and by Philistus the Sicelians, were ranked among the Ligurians; for in Herodotus the Helisyci are named, like the Iberians and Celts, alongside of the Ligurians.

The language of the Volscians is spoken of as distinct from the Oscan²²; that is, from the dialect so called in the districts under the Sabellians; and the language on the plate in which the name of Velitræ seems to occur, is

terminations *anus*, *inus*, *enus*, are contracted into *ans*, *ins*, *ens*, or *as*, *is*, *es*, and then follow the inflexions of the third declension: from *Romanus* comes *Romas*, from *Lucanus* *Lucas*, (the genitive plurals *Romanom* and *Lucanom* are found on coins, and the elephant was called *bas Lucas*) from *Campanus* *Campas* (Plautus *Trinumm.* ii. 4. 143.), from *Bruttianus* *Bruttas*, from *Picenus* *Picens*. *Samnis* in the same way comes from *Samninus*,—which is derived from *Samnium*,—like *Antias*, and like *Tiburs* from *Tiburnus*. *Ulus* in these adjectives is never a diminutive syllable, no more so in *Græculus* than in *Hispanulus*: that secondary meaning was not affixed to it till late. Now as no change was made in the name by these terminations, the *Siculi* in Latium might also be called *Sicani*: a form which must unquestionably have been found by Virgil, and which he made use of with a view of restricting the other name to the islanders. To the class of terminations in *as* belongs *Ἰταλίητες* (Dionysius i. 12); and even *Ἕλληγν* from *Σελλός*. The form of proper names in *ης* with the lengthened genitive in *ηντος* is ascribed by Herodian to the ancient language of the Sicilians: Bekker *Anecd.* p. 1390: this would give *Ἰταλίηντος*, like *Antiatīs*, *Brutatīs*, *Samnitīs*.

²²⁰ VII. 165.

²¹ Stephan. Byz. v. Ἑλισύκοι.

²² By the comic poet Titinius in Festus v. Oscum: Osce et Volsce fabulantur, nam Latine nesciunt.

different from that on other monuments: but the origin of that plate is far too uncertain, for us to pronounce with positiveness that the inscription is Volscian.

Bordering on the Auruncians of Cales, and of the same race, we find the Sidicines of Teanum, whom Strabo expressly calls Oscans²²³, and somewhat further the Saticulians on the Volturnus²⁴. Both names are forms derived from the simpler ones *Sidicini* and *Saticini*, which, having thus traced them back, we perceive to be cognate words.

The Volscians in Roman story are almost inseparable from the Æquians²⁵, who are described as a very ancient people, great and formidable to Rome²⁶: they were mountaineers hardened by the chase, used to make predatory incursions on their neighbours²⁷. When their power was at its highest their territory extended as far as mount Algidus, between Tusculum, Velitræ, and the towns of the Hernicans; and as far as the Fucine lake: the fortress on that lake taken by the Romans in the year 347, which is called a Volscian one²⁸, must undoubtedly have belonged to the Æquians. The Faliscans too by mount Soracte, in whose name that of the Volscians is clearly discernible, were Æquians²⁹. The Ausonians however did not make up the whole population of Falerii and its subject towns: it was by the descendants of the Pelasgians that the worship of the Argive Juno with

²²³ v. p. 237. c.

²⁴ Virgil *Æneid.* vii. 729. *Saticulus asper*. In history we hear only of their town *Saticulum*.

²⁵ The by-forms *Æquanus* and *Æquulus* are preserved in the Greek *ἄικανος* and *ἄικλος*: of *Æquiculus* we find instances in Latin. *Æquicula*, as a masculine nominative, is an erroneous form, and ought to be expunged from the dictionaries: in Virg. vii. 747, *Æquicula* agrees with *gens*. No less erroneous is the form *Æquicoli*.

²⁶ Livy i. 37. Cicero de Rep. ii. 20. *Magnam gentem et ferocem et rebus populi Romani imminentem*.

²⁷ Virg. *Æn.* vii. 747—749.

²⁸ Livy iv. 57.

²⁹ *Æquosque Faliscos*, Virgil vii. 695, and Servius.

her peculiar rites was preserved there²³⁰, although it may perhaps have been completely adopted by the conquerors. A word from the Faliscan dialect is preserved, and this word it had in common with the Samnite³¹.

In such words as the Oscan shares with the Latin, we often find *p* substituted for *qu*; *pid* for *quid*, and the like: hence it may be regarded as certain that the name *Æqui* contains the radical syllable of the names *Opici* and *Apuli*, according to the Latin way of expressing it. For the Apulians properly so called were Opicans, whose name, after their conquest of the Daunians, passed to the country they occupied.

For, after the manner of all national migrations, the Opicans in the whole country between the Tiber and the Adriatic, being themselves prest forward by the Sabellians, threw themselves upon the Italians, who throughout this whole extent were their neighbours, and overpowered them. Many of these submitted; others left their homes: and thus in the oldest traditions of the Italian Greeks it was related that the Sicelians who crossed over to the island, had been driven from their abodes by the Opicans³². Here again the Sicelians are the same people with the Italians; and it was only from the Sicelians on the Tiber being known to be still extant, that the notion originated which ascribed this migration to them. This remotest branch of the nation is the very one with regard to which it is the most improbable that they took part, at least in any considerable numbers, in such an expedition. Rather must it have come out of Campania, of which it is no less certain that in earlier times it was peopled by the Pelasgians, than that afterward it became so entirely Oscan, as to shew the previous population must have abandoned it.

²³⁰ Dionysius i. 21.

³¹ *Hirpus*; see above, n. 211.

³² Dionysius i. 22.

It was an opinion universally received in the age of Augustus, that Campania, until it was conquered by the Samnites, had been subject to the Etruscans; and that Capua under the name of Vulturnum was the earliest city, and Nola one founded somewhat later, in this southern Etruria²³³. Now I think I have shewn that the Tyrrhenians from Surrentum to the Silarus were certainly not Etruscans; and here again it may be that whatever was found by Roman writers in Neapolitan or Cuman chronicles about Tyrrhenians who had of yore been in possession of Campania, was referred by them to the Etruscans. In fact that Capua, as well as Rome, passed with the earlier Greeks for a Pelasgo-Tyrrhenian city, may be inferred from Cephalaon, who mentions it together with Rome among the cities built by the Trojans: and the same notion lies at the bottom of those representations, the traces of which are preserved by the grammarians, when they tell us in one place that Capua was founded by Campus; in another that a prince of this name had ruled in Epirus, over the Chaonians, and that Epirus had also borne the name of Campania²³⁴. Again by means of an emendation as to which no doubt can be entertained, we are supplied with an express testimony for Nola being of Tyrrhenian origin²³⁵: the statement too

²³³ Livy iv. 37. Velleius i. 7. Strabo v. p. 242. d.

²³⁴ Etymolog. Magn. v. Κάμπος. Servius on Æn. iii. 334. The Campylids, the house of king Campus, must assuredly have been the ἀρχικὸν γένος among the Chaonians, mentioned in Thucydides, ii. 80. In the line of Virgil the old commentators were no doubt right in interpreting *Chaonii Campi* not the *Chaonian fields* but the *Chaonian Campi*. It was no over-refinement that determined them: a Roman who had voyaged from Brundisium to Greece, had seen Chaonia with its Acrocerania, and could no more write about Chaonian plains, than an Englishman about Alps between Calais and Paris.

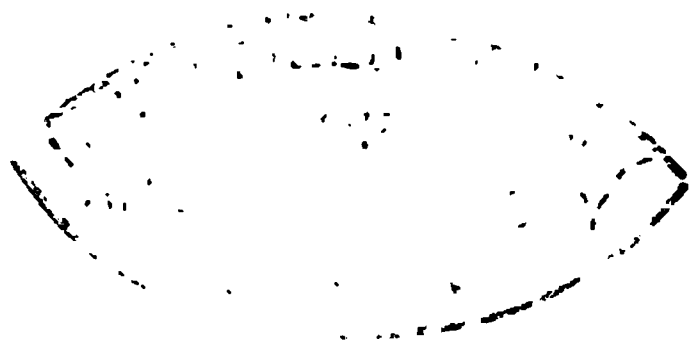
²³⁵ The text of Solinus, p. 10. d, has Nola a *Tyriis*. I read with Lipsius, though in a different sense, a *Tyrrhenis*: a *Thuriis*, which Salmasius conjectures, is certainly wrong.

of the anonymous chronologers referred to by Velleius, that Capua and Nola were built by the Tuscans about eight and forty years before Rome, can only be defended by interpreting it of the Tyrrhenians. And in spite of the express reference to Cato, it is extremely doubtful whether a distinction was not made by him between the Tuscans and the Etruscans. Polybius however speaks in so many words of the Etruscans as the possessors of the Phlegræan plains²³⁶; and slight as his authority is in such matters, I would not reject an opinion in favour of which he declares himself so positively, until every attempt to maintain it has been found futile. Cato's statement, which is so displeasing to that ingenious but hasty writer, Velleius, that Capua had existed only 260 years before its taking in the second Punic war, and accordingly was founded about the year 283, seems to admit of being very well reconciled with what can be collected of Etruscan history. The greatness of the Etruscans belongs to the third century of Rome: it displays itself in the wars of Porsenna against Rome and Aricia: in the Veientine war after the disaster on the Cremera, in 276; and it was about the same time, Ol. 76. 3. 278, that Cuma was saved by Hiero from the Etruscan fleet. But the subjection of Rome to Porsenna seems to have been of brief duration; and soon after the middle of the third century the Roman history becomes so determinate, that we know the people on the left bank of the Tiber cannot have been in such a state of dependence as must be presupposed before Etruria could send out colonies beyond the Volturnus. Nor are there less difficulties against their having crossed the sea; since the three harbours on the Phlegræan plains, Cuma, Dicæarchia, and Parthenope, had continued invariably in the hands of the Chalcidian Greeks: and without possessing one at least of these, the Etruscans, even if they had

landed at Liternum, could never have thought of forming a permanent settlement.

In Dionysius we find it recorded how Cuma was besieged by an enormous host composed of Tyrrhenians from the Ionian sea, together with Umbrians, Daunians, and many other barbarians. This war is not to be rejected on account of the fabulous exaggeration in the numbers, any more than the expedition of Xerxes: and the prodigy of the rivers flowing backward, is only a proof that the fearful exigency through which the Cumans were carried by the aid of the gods, was transmitted in song through the mouths of their children and grandchildren. Even the chronological statement which dates this war in the 64th Olympiad, that is, about 228, may be deemed correct on the whole, though it may go a few years too far back: indeed to adjust the native chronological registers with perfect accuracy to the years of the Athenian archons was not a feasible matter. One is naturally disposed to conceive that the settlement of the Etruscans at Capua was contemporaneous with this expedition: an earlier date is incompatible with that story itself, which expressly represents the Cumans as in possession of the Campanian plains²³⁷. And I believe that there was a connexion between these events; but here again that the Tyrrhenians were not Etruscans. Those nations who are said to have marched against Cuma, must unquestionably, it seems to me, have been the Italians and Opicans thrust forward by the advance of the Sabellians; and moving onward in one mass, in which the drivers were mixed up with the fugitives, as in the great migration of the Germans and Huns. Now this appears to be the epoch at which the Opicans settled in the Phlegræan plains: and years enough may have elapsed after this, before they became masters of Capua, to allow of this city reckoning her origin according to the era mentioned by Cato. The

237 Dionysius vii. 3.



statement that in this country, as in Etruria, there were twelve Tuscan cities, rests only on Strabo, who delivers it without confidence*; and it is extremely doubtful. Not the slightest trace of the Etruscans is to be found in Campania. The letters it is true might be deceptive; but all the written monuments without exception are in Oscan. Nor are the works of art less remote from every thing Etruscan.

Nola is called a Chalcidian city²³⁸: probably the Tyrrhenians, with a view to strengthen themselves, admitted Greeks to fellow-citizenship, and these Nolans maintained their ground against the Oscans. They were subsequently attached to the Samnites, who everywhere appear on friendly terms with the Greeks. How entirely the civilization of Greece had been adopted by Nola, is evinced by the workmanship and language on her coins: but from being situate in the midst of the Oscans, whom even Neapolis was not able to exclude from the rights of citizenship, she had already lost her character in the second Punic war, and become substantially an Oscan city; and we may find what to us is a melancholy parallel to her fate, in that which is impending over the German towns on foreign coasts.

* v. p. 242. d.

²³⁸ By Justin xx. 1: that is, by Trogus. Also by Silius xii. 161: and Silius lived among the Neapolitans.

THE ABORIGINES AND LATINS.

THERE was a tradition, of the class most deserving of credit, that in very early times a people, who dwelt about mount Velino and the lake of Celano as far as Carseoli and Reate, had been driven from thence by the Sabines who came from Aquila. Such was Cato's account²³⁹: and if Varro, who enumerated the towns they had possessed in those parts⁴⁰, was not imposed upon, not only were the sites of those towns distinctly preserved, as well as their names⁴¹, but other information also concerning them, such as cannot be transmitted through so many centuries by any thing but writings. Their capital, Lista, was taken by surprise; and the expeditions they sent out during many years from Reate to recover it, proved fruitless. Withdrawing from that district, they came down the Anio; and at Tibur, Antemnæ, Ficulea, Tellena⁴², and further on at Crustumerium and Aricia, they found the Siculians; and subdued or expelled them in a number of places. That Præneste too was a town of the Siculians, seems to be implied in the statement, that it once bore the Greek name of Stephane⁴³. The name of Tusculum shews that it belonged to the same people, since *Tusci* and *Turini* can only be different forms of one word⁴⁴: moreover the

²³⁹ Dionysius II. 49.

⁴⁰ Dionysius I. 14.

⁴¹ The greater part seem not to have been destroyed till the Æquian war about 450. Of the traces seen by Varro we may form a clear notion from the quadrangular substructions in the district of Tibur, beyond the river, a couple of miles to the west of the city, which mark the sites of some of the little towns subject to Tibur.

⁴² Dionysius I. 16.

⁴³ Pliny III. 9.

⁴⁴ See note 219. In *Tusci*, as in all similar names, *sicus* has been contracted into *scus*; and *Tusici* is *Turici*: for *r* and *s* in the old

ruling house there designated itself to be Italian and Tyrrhenian by its surnames, and traced its descent from Circe, that is, from *Circeii*²⁴⁵. Fidenæ too was a Tuscan town.

These conquerors in the Latin legends were called *Sacрани*⁴⁶: either because it was related from the very first that they had left their homes to fulfill the vow of a sacred spring; or it was a hereditary name, the apparent meaning of which led to the invention of such a story. Another name, and unquestionably an old and genuine one, was *Casci*⁴⁷: which afterward came to be used as an adjective, in the sense in which *Gothic* and *altfränkisch* are now used. That however in addition to this they were properly called *Prisci*, a word the meaning of which underwent the same fate, will be shewn when I reach the history of Rome*.

The predominant legend, which makes the Trojan followers of Æneas and the native subjects of Latinus assume the new and common name of Latins, retains traces of the tradition that this people was formed by the intermixture of different tribes. Still more clearly is this attested by the name *Prisci Latini*, in its genuine signification of *Prisci* and *Latini*†: this however itself shews that the name of the Latins is older than the conquest by

Latin are perpetually interchanged, as in *Furius* derived from *Fusus*, and *Auruncus* which on the other hand stands for *Ausunicus*.

²⁴⁵ The Mamilii Vituli and Turini. See above p. 15. Ulyxes may have belonged to the legend in very early times, even granting that the name of Telegonus, as the founder of Tusculum, was foisted in out of the poets.

⁴⁶ Servius on *Æn.* vii. 796. on the words *et Sacranæ acies*—compared with Diod. i. 16. See below p. 91. note 279.

⁴⁷ Saufeius in Servius on *Æn.* i. 6. qui—*Cassei* (read *Casci*) vocati sunt, quos posterī Aborigines nominaverunt. Ennius has *Casci populi Latini*: compare the other passages in Columna's note p. 14.

* See note 914, and the text to it.

† See notes 752, and 915.

the Priscans, and consequently belonged to the Siculians of these parts. Still the advantage of having a clear distinctive name is enough to justify my following that legend and the usage it gave birth to, and giving the name of Latins to the nation which arose out of that conquest, and that of Aborigines to the earlier inhabitants of Latium.

This name is said to mean *ancestors*²⁴⁸: but it is surely simpler to interpret it of those who were the inhabitants of the country from the beginning, answering to the Greek *Autochthones*. What kept this from being admitted, seems to have been, that the Umbrians were supposed by some, perhaps for no other reason than that they were called the most ancient people in Italy, to have been driven by the Aborigines out of Latium; while others ascribed this expulsion to the Sacrani; others again, influenced partly by the Greek tales about the roving of the Pelasgians, took the Aborigines for a conflux of wandering tribes, and supposed their name to be a corruption of *Aberrigines*.

It might seem as if this name, being such an abstract designation, had been an invention of the later Roman historians: but, though manifestly it never was the real name of any people, it is yet far older than the time when the history of Rome began to grow out of the wrappers of scanty-worded chronicles. For so early as about 470 Callias, the historian of Agathocles, spoke of Latinus king of the Aborigines⁴⁹: and in Lycophron, all whose information about Rome was derived from Timæus and other Greek writers, Cassandra predicts that Æneas will build thirty castles in the land of the Borigoni⁵⁰.

²⁴⁸ Dionysius, l. 10, explains it by γενάρχαι: compare Saufeius in Servius on Æn. l. 6. quoniam aliis (read *ab illis se*) ortos esse recognoscabant. The nominative singular, after the analogy of the old language, was probably *Aboriginus*.

⁴⁹ Dionysius l. 72.

⁵⁰ v. 1253.

The inconsistency that prevails in giving the name of Aborigines not only to the Tyrrhenians but to the invaders also, is in the character of legendary history: but it is clear that the latter cannot have obtained the name of Autochthons except by an abuse of language. Cato, who wrote that the chief part of the plain in the country of the Volscians had formerly belonged to the Aborigines²⁵¹, evidently marks them out thereby as the inhabitants of the Maremma: for in the interior of the Volscian country there are no plains. Nor is it less unquestionably to Pelasgians that he and C. Sempronius must have applied this name; since they pronounced the Aborigines to be Achæans⁵². So that Dionysius must be under a misunderstanding, when he represents what Cato had related concerning the spreading of the Sabines, as if he had called the people whom they drove before them, the Aborigines⁵³. Varro indeed has palpably been guilty of this error, and perhaps also preceded Dionysius even in representing the Pelasgians as the allies of the Aborigines, who join them in driving out the Sicelians; after which however the Pelasgians are made to withdraw and disperse.

But the Sicelians are very far from disappearing out of Latium: nay many of their places seem to have maintained their freedom, in the neighbourhood of the Tiber, and round about Rome. Indeed the change produced in the population of a country by national migrations is seldom entire, unless the conquerors are exterminating savages: in other cases the lovers of freedom leave their homes; but a part, and commonly the majority, submit to the victor. Such was the case then also: in the places that were subdued, a part united with the Cascans; another quitted the country: and this was connected with the legends touching the expeditions

²⁵¹ Fragm. Origg. i. in Priscian v. p. 608.

⁵² Dionysius i. 11.

⁵³ Above note 239.

of the Sicelians across the sea to Trinacria, and of the Tyrrhenian Pelasgians to Greece.

According to the traditions of the Italian Greeks, the people by whom the Sicelians were driven over into Sicily, were the Opicans²⁵⁴. Now it certainly is extremely questionable whether this migration be more authentic than other pretended traditions of the same kind; or not rather, like them, a mere inference and presumption: and as the name of Sicelians was common to all the Italians, it is, to say the least, highly improbable, that the tribe which went over to Sicily, should have been the one which dwelt the furthest off: still the evident affinity between that element of the Latin language which is not Greek, and the Oscan, puts it beyond a doubt that the Cascans belonged to the Oscan stock. The Oscan words that appear in Latin are contracted and curtailed, as the Zend words are in Persian; and such must always be the case, when a difficult and harsh language abounding in polysyllables is adopted by a nation whose tongue has a different character. Now since the Umbrians during their early greatness reached as far as those most ancient seats of the Cascans, we may further regard the tradition followed by Philistus, that the Sicelians had been expelled by the Umbrians and Pelasgians, as one and the same with that which led Thucydides to write that it was by the Opicans and Oenotrians: so that the Umbrians and Opicans, whose names come so near each other, would be branches of the same nation⁵⁵.

The Aborigines are portrayed by Sallust and Virgil as hordes of savages, without manners, without laws, without agriculture, living on the produce of the chase and on wild fruits. This probably is nothing else than

²⁵⁴ Thucydides vi. 2. Antiochus in Dionysius i. 22.

⁵⁵ Dionysius i. 22. Both the historians, in regarding the Sicelians as distinct from and as driven out by the Oenotrians and Pelasgians, made the same mistake which occurred in the legend about Cyzicus. Note 69: compare note 114 and p. 64.

an ancient speculation about the progress of mankind from animal rudeness to civilization; after the manner of those philosophical histories, as they were called, which were repeated even to surfeiting during the latter half of the last century, more so however in other countries than in Germany, and in which even the state of brute speechlessness was not forgotten. The pages of these observing philosophers swarm with quotations from books of travels: this however they have overlooked, that not a single instance can be shewn of a really savage people passing spontaneously into civilization, and that, where it has been forced upon them from without, the physical decay of the race has ensued; as in the case of the Natticks, the Guaranis, the missions in New California, and those at the Cape. For every race of men has received its destination assigned to it by God, with the character which is suited to it and stamps it: the social state too, as Aristotle wisely says, is prior to the individual who is called to it*; the whole prior to the part: those speculators do not perceive that the savage has either degenerated, or was but half human from the first. The account of the Aborigines however may also have been a tradition of the serfs concerning the rude character of their lords, who lay on their bear-skin couch, and for whom they were forced to till the ground. It cannot be mere chance, that the words for *a house, a field, a plough, ploughing, wine, oil, milk, kine, swine, sheep, apples*, and others relating to agriculture and gentler ways of life, should agree in Latin and Greek²⁵⁶; while the Latin words for all objects pertaining to war or the chase are utterly alien from the Greek. If the agreement in the

* Polit. i. 1. Πρότερον δὴ τῇ φύσει πόλις ἢ οἰκία καὶ ἕκαστος ἡμῶν ἐστὶ.

²⁵⁶ Several words might have been added, had not their identity required a detailed proof: for instance *equus* is ἵππος.

former class does not run throughout, this was to be expected in languages which, like the Hellenic and Pelasgic, notwithstanding their complete affinity, are, perhaps for the greater part, essentially distinct.

Janus is said to have been venerated by the Aborigines as the founder of a better way of life; together with Saturn, who taught them husbandry and induced them to settle in fixed habitations. Janus or Dianus, as Scaliger has shewn, is the god of the sun²⁵⁷: Saturn and his wife Ops are most probably the god and goddess of the earth, the power of the earth which vivifies, and that which conceives and brings forth: its depths are his kingdom. The interpretation which turns these gods into kings, is a more modern one.

Between Saturn and the Trojan settlement there were only three kings of the Aborigines in the legend; Picus, Faunus, and Latinus, son after son; who, when removed from the earth, were raised to the rank of gods, and adored as Indigetes. It is only in a very late account that Latinus falls in the battle with Turnus or Mezentius: in the genuine legend he disappeared, and was worshipt as Jupiter Latialis⁵⁸.

Latinus in a different dialect was called Lavinus; whence ignorant expounders have given him a brother, the founder of Lavinium⁵⁹. So the Latins were likewise called Lavicans⁶⁰, and Lavinium was the seat of their common sanctuary and of their national assembly, like the

²⁵⁷ Hence he may help us to explain the story of Circe, who in Greek mythology is the daughter of the Sun: that story was without doubt indigenous in the neighbourhood of the mountain named after her, and not an importation from Greece.

⁵⁸ Festus v. Oscillum. Compare Schol. Mediol. ad or. pro Planc. 9.

⁵⁹ Servius on *Æn.* i. 2.

⁶⁰ *Picti scuta Lavici* (not *Labici*), *Æn.* vii. 796, are a people, not the town near the Via Latina.

Panionium²⁶¹. King Lacinius too in Oenotria⁶² is another phase of Latinus; and here we plainly see that the Oenotrians were also called Lacinians, and belonged to the same nation with the Latins. For Lacinium too with its temple of Juno was a common sanctuary of those tribes, of great antiquity and indigenous origin: as is denoted by the expression, that it was founded before the Trojan war⁶³: and the name of the Lacinian promontory came from the people who dwelt by it, like that of the Iapygian on the opposite coast. Nay this Lacinius is expressly called Latinus, king of the Italians, and marries his daughter, Laurina, to a foreigner named Locrus⁶⁴. What historian however can feel any interest in tracing the fantastic shapes assumed by the clouds of mythology, as they vary at the whim of capricious narrators? Who would tarry among such things, when investigations of great importance are awaiting him? Still I cannot omit remarking, what throws so much light on the notions of the Greeks touching the nature of the Latin nation, that Latinus, whom Hesiod calls sovereign of all the renowned Tyrrhenians, that is, those of the Pelasgian race⁶⁵, is according to him the son of Ulysses and Circe; while another story—in which Telemachus and Penelope fly to Latium with the guiltless murderer Telegonus, to avoid the impending vengeance of the suitors after the death of Ulysses—makes him the son of Circe and Telemachus⁶⁶. In a different class of legends Hercules

²⁶¹ This is the way we are to explain *Lavinia littora, arva*: Æn. i. 2. iv. 236; and not by a prolepsis. The name of the Latins is made by Virgil to originate, as it was supposed to have done, from the union of the Trojans with the Aborigines: the meaning of the other form had not become equally fixed.

⁶² Servius on Æn. iii. 552. Diodorus iv. 24.

⁶³ Servius on Æn. iii. 552. quod ante Troicum bellum collatitia pecunia reges populique fecerunt.

⁶⁴ Conon narr. 3.

⁶⁵ Theogon. 1011—15.

⁶⁶ Hyginus Fab. 127, and one Galitas in Festus v. Roma.

is his father, and a daughter of Faunus,²⁶⁷ or the Hyperborean Palanto, his mother⁶⁸. There was an obscure conception that Rome itself was in the neighbourhood of the Hyperboreans⁶⁹; and the Hyperborean Tarkynæi⁷⁰ seem to be no other than the people of Tarquinii. Now if we are not afraid of looking for the mysterious Hyperboreans in Italy, we here see how the gifts they sent to Delos might be handed round the Adriatic from people to people, until they came to Dodona; a custom preserved from those ancient times when the whole coast of that sea was inhabited by Pelasgian nations: and thus, the religion being the same, it is no longer extraordinary that offerings should have been sent from so far. And if it be but allowed that the people called Hyperboreans may have been a Pelasgian tribe in Italy, the possibility will perhaps be nearly turned into certainty when it appears that the title of the carriers is almost a Latin word⁷¹.

The voyage of Evander to Latium with a train of Arcadians would not deserve the slightest notice, being an evident fiction, were it not homesprung and ancient, so that it is likely we may find an explanation to clear it of its absurdity. The slightest tradition is enough to justify our believing that, there being so many small Sicilian towns scattered around, another such stood on the hill near the Tiber, where the foundations of the eternal city were one day to be laid; and that it bore the name Palatium, which reminded the Greeks of Palantion in Mænalia. Moreover with the Greek genealogers Arcadian and Pelasgian are equivalent terms. Nor have we any right to question the statement of Dionysius, that sacrifices were offered in memory of Evander, as well as of his mother Carmenta; and that

²⁶⁷ Justin XLIII. 1.

⁶⁸ Dionysius I. 43. Festus v. Palatium.

⁶⁹ Heraclides in Plutarch Camill. c. 22.

⁷⁰ Stephanus v. Ταρκυνία.

⁷¹ Περφερέες,—Herod. iv. 33,—seems akin to *perferre*.

the native histories related he had introduced a knowledge of the arts and more civilized ways of life²⁷², and had entertained Hercules, and given him his daughter Launa in marriage, by whom the hero became father of Pallas: it is from Pallas however that the town and hill now appear first to receive their name; for no tradition can be fixed. These tales are demonstrably older than the time of Polybius: they cannot indeed be of Italian origin in the strictest sense; but who is capable of measuring the operation of the Pelasgic element in the Latin character, by means whereof the mythology and religion, the oracles and prophecies of Greece, gained an entrance among the Romans, the Latins, and the Etruscans? and where is there a trace of the epic and lyric poets of the Greek cities on the coasts of Italy, whether more or less remote from Rome, to whom she became of importance long before she excited any attention in the mother country? It is true, the Græco-Italian mythographers whose names have been preserved, cannot well be earlier at the utmost than the first Alexandrian poets. The epithet *old*, applied in the text of Dionysius to the poet Euxenus⁷³, rests on a doubtful reading: Simylus, Butas, Diocles of Peparethus, and Antigonus, (the two latter of whom perhaps wrote on Rome in verse also) are certainly not of an earlier age. But though the battle fought by Hercules in Liguria, and his expedition across the Alps and through the peninsula, belong to the old Hellenic Heracleids; it must have been by Greek poets in Italy that his return from Erythea was embellished with the adventure of Cacus, the battle on the Phlegræan fields in Campania against the giants who fled to Leuternia, and the founding of Herculæum and Pompeii: in like manner the Greeks on the Pontus told of his exploits in Scythia.

²⁷² The Latin alphabetical characters too, as distinguished from the Etruscan. Tacitus Ann. xi. 14.

⁷³ The words "Ευξενος ὁ ποιητῆς ἀρχαῖος, in Dionysius, l. 34, can hardly be genuine: at least ἀνὴρ is wanting after them.

I am far from fancying it possible to detect in what way the worship of the Sabine Semo Sancus was transferred to the son of Alcmena: nor will I employ myself in conjecturing whether the Ara Maxima of Hercules existed before the censorship of Appius Claudius the blind. Still surely the most natural mode of explaining the story of the Potitii and Pinarii, is to suppose that the worship of Hercules was a *sacrum gentilitium* belonging to those houses; that the Romans in the Samnite war were commanded by the Sibylline books, or by the answer of an oracle, such as in the same war enjoined the erection of statues to the bravest and the wisest of the Greeks, to adopt the worship of Hercules, among all the Greek heroes elevated to Olympus the most heroic, and to raise a statue to him, with a promise of blessings to those who should consecrate to him the tithe of their substance; nay perhaps this act was prescribed to all, as a way of bringing the interminable contest to a prosperous conclusion. A colossal statue was erected to him in the year 449, in the same censorship of Appius, who bribed the Potitii to teach the rites of their worship: this was justly deemed a base act; and when their house became extinct, not indeed within a year, much less within thirty days, but in the great pestilence which desolated Rome ten years after, men looked upon it as a mark of the finger of God*. It was during this pestilence that the worship of Æsculapius was introduced²⁷⁴.

* Livy ix. 29. Festus v. Potitium. Servius on Æn. viii. 269.

²⁷⁴ The den of Cacus is said to have been in the Aventine; but the steps of Cacus were on the Palatine; Diodorus was acquainted with them (iv. 21.); and in his story the latter hill is the residence of Cacus, who joins with Pinarius in entertaining and paying honour to the Tirynthian hero, and thus takes the place of Potitius; nay of Evander: no mention is made of the latter, nor of any Arcadians; nor of any but natives. A sister of Cacus too, Caca, like Vesta, had a perpetual fire kept up in honour of her. (Servius on Æn. viii. 190.). It seems beyond doubt that the whole story of this expedition of Hercules

I return to Evander, and remark that he seems to be only another form of Latinus: this legend makes him the son of the prophetic Carmentis, as that does of the prophetic Faunus; and he marries his daughter Lavinia in the one to Hercules, in the other to Æneas, both of them foreign heroes. So in a different legend Latinus takes the place of Cacus, and steals the oxen*.

Incomparably more brilliant and celebrated than this legend, is that of the coming of the Trojans to Latium: but it is immediately connected with those concerning the building of Rome; and its only importance would be with regard to the pedigrees of the Roman houses, even if it could be shewn to be historical. Æneas and his scanty train had not the power of transforming the Latin people. I therefore sever this investigation from the present subject, and reserve it for the preliminary history of Rome.

It was considered in later ages as certain, that the Roman conquests were the means by which the frontier of Latium was pushed forward from Circeii to the Liris²⁷⁵. But in the first treaty with Carthage all the towns on the coast from Ostia to Terracina are called Latin, and are subject to the Romans; and the Carthaginians bind themselves, if they take any Latin town not subject to


in Diodorus is borrowed from Timæus: his opening a permanent and secure road through the barbarous tribes of Liguria reminds us of the Herculean road in the treatise *De Mirabilibus* p. 102. a. The account in the work bearing the name of Victor, *de origine P. R.* which professes to be taken from old annalists, is of no value: for that book was written toward the end of the fifteenth century, like the pretended writings of Messalla, Fenestella, and Modestus, or in the sixteenth, by an evident impostor.

* Servius on *Æn.* iii. 552.

²⁷⁵ Strabo v. p. 231. Pliny iii. 9. Scylax had already given it the same limits.

the Romans, to deliver it up to them²⁷⁶. Conquests in the interior are out of the question: so that Latium must then have stretched further along the coast toward Cuma: and the name of Latins is synonymous with that of Tyrrhenians.

276 Polybius III. 22. Καρχηδόνιοι μὴ ἀδικεῖτωσαν...μηδ' ἄλλον μηδένα Λατίνων ὅσοι ἂν ὑπήκοοι· εἰ δέ τινες μὴ ὥσιν ὑπήκοοι κ. τ. λ.
See the text to note 1184.



THE SABINES AND SABELLIANS.

THE Romans had no general name comprehending the Sabines along with the tribes supposed to have issued from them: the latter, whether Marsians and Pelignians, or Samnites and Lucanians, they termed Sabellians. That these tribes among themselves were called *Savini* or *Sabini*, is certain from the inscription on the Samnite denary coined in the Social war: at least it is certain as to the Samnites, whose name is in every form manifestly, and in the Greek *Σαυνῖται* immediately, derived from *Savini*: but the usage of a people whose writings have perished, like every thing that is totally extinct in fact, has lost its rights. I shall venture to employ the term Sabellians for the whole race; since the tribes so named by the Romans are very far more important than the Sabines; and it would clearly have offended a Latin ear, had any one called the Samnites Sabines: for investigations like those in this history a general name is indispensable.

The Sabellians, when Rome advanced beyond the frontiers of Latium, were the most widely extended and the greatest people in Italy: the Etruscans had already fallen, as they had seen the fall of the nations that flourished before them, the Tyrrhenians, the Umbrians, and the Ausonians. As the Dorians were great in their colonies, while the mother-country continued to be small; and as it lived in peace, while the tribes it had sent forth were spreading themselves abroad by conquests and plantations; thus, says Cato, was it with the old Sabine people. Their original home is placed by him²⁷⁷ about

²⁷⁷ Dionysius I. 14. II. 49.

Amiternum, in the highest Apennines of the Abruzzi, where the snow on mount Majella is said never to disappear entirely, and where the mountain pastures are visited in summer by the Apulian herds. From hence they issued in very remote times, long before the Trojan war; and driving the Cascans before them in one quarter, the Umbrians in another, took possession of the territory which has borne their name for three thousand years. As the population multiplied here and overflowed, it migrated to different parts. It was an Italian religious usage in times of severe pressure from war or pestilence, to make a vow of a sacred spring (*ver sacrum*); that is, to consecrate all the creatures born in the next spring: when twenty years had elapsed²⁷⁸, the cattle was sacrificed or redeemed, the youth were sent forth⁷⁹. A vow of this kind was made by the Romans in the second year of the second Punic war; but it extended only to their flocks and herds⁸⁰. Such vows, the tradition runs, led to the sending out of the Sabine colonies: sacred animals were charged by the gods to whom any of them was dedicated⁸¹, to guide them on their way. One colony was led by a woodpecker, the bird of Mamers, into Picenum⁸², then peopled by Pelasgians or Liburnians: another by an ox into the land of the Opicans; this became the great Samnite people: the Hirpinians were guided by a wolf⁸³. That colonies were sent out from Samnium, we know historically. The Frentanians on the Adriatic were Samnites⁸⁴, who stood apart from the rest of the nation in the second Roman war: a band of Samnites conquered Campania and the country as far as the Silarus: another host,

²⁷⁸ Livy xxxiii. 44. Festus v. Mamertini.

⁷⁹ Dionysius i. 16. Strabo v. p. 250. a. Festus v. Ver sacrum and Mamertini.

⁸⁰ Livy xxii. 9.

⁸¹ Strabo and Dionysius in the passages last quoted.

⁸² Strabo v. p. 240. d. Pliny iii. 18.

⁸³ Strabo v. p. 250. b. d.

⁸⁴ Strabo v. p. 241. b. Scylax, p. 5. See n. 293.

calling themselves Lucanians after their leader Lucius²⁸⁵, subdued and gave their name to Lucania⁸⁶.

Capua, then called Vulturnum, originally a Tuscan, and at that time probably an Oscan town, purchased peace of the Samnites by receiving a colony of them to share both in her city and territory⁸⁷. This is the origin of the Campanian people, an event memorable to the Sicilian Greeks: these gave the name of Campanians to all the races mixed up of Sabellians and Oscans, and therefore to the mercenaries who spoke Oscan, under whose violence they pined*. It is placed by Diodorus in Ol. 85. 3, in the year of Rome 314⁸⁸; nor is there any contradiction between this statement and Livy's, that the old citizens were overpowered and massacred by the settlers in the year 331. Three years after the old citizens of Capua had been exterminated, in 334⁸⁹, the Campanians took Cuma by storm, subjected the ill-fated inhabitants to all the atrocities of war⁹⁰, and sent a colony thither: nevertheless the Greek population was not altogether extirpated. Half a century later it was still called a Greek city by Scylax; and traces of Greek manners and customs were subsisting four hundred years after, when the Oscan language, which had supplanted the Greek, had long since given way to the Latin⁹¹.

The Oscan city of Cuma at the beginning of the fifth century was already independent of Capua; which in other cases clearly exercised a supremacy over the places

²⁸⁵ Pliny III. 10. Etymol. M. v. Λευκανοί. More probably after an ἀρχηγέτης named Lucus.

⁸⁶ In the epitaph on L. Cornelius Scipio Barbatus it is written *Lucanaa*. The doubling the vowel belongs to the Oscan and the old Latin: in the Julian inscription at Bovillæ we find *leege*.

⁸⁷ Livy IV. 37.

* See above note 206.

⁸⁸ Diodorus XII. 31. τὸ ἔθνος τῶν Καμπανῶν συνέστη.

⁸⁹ Livy IV. 44. According to Diodorus, XII. 76, in Ol. 89. 4. 331.

⁹⁰ Strabo V. p. 243. c. Diodorus XII. 76.

⁹¹ Scylax, p. 3. Strabo V. p. 243. c. Velleius I. 4. Livy XL. 42.

roundabout it. Nola however has no connexion with the Campanians, nor has Nuceria: the former, as has been mentioned already,²⁹² there is good ground to regard as a Greek city.

About the year 390 the Campanians and Samnites were the only people known to Scylax of Caryanda* between the Volturnus and the Silarus. They possessed the whole country here from the Tyrrhenian across to the upper sea: on the latter he assigns them the coast from mount Garganus to Picenum, which he includes in Umbria⁹³. The same period was that when Lucania had attained its greatest extent, so that all the seaports from Posidonia to Thurii are mentioned by him under this head. The union between the Lucanians and the Samnites from whom they sprang, had soon been broken by distance and the magnitude of their conquests

Their first territory was on the lower sea: they did not yet touch the gulf of Tarentum, the coast of which was in the possession of the Greek cities. When the Greeks first colonized that coast, there were no Lucanians; the country belonged to the Chonians and Oenotrians: with the wide spreading of the Samnites and the settling of the Lucanians in Oenotria came the wars between the Greek cities and the barbarians, which ended in the ruin

²⁹² Above p. 76, note 238.

* The age of this geographer has been discussed by the author in his *Kleine historische Schriften* vol. I. p. 106.

⁹³ The name of the people he places between the Iapygians and Umbrians, is written both in the title and text *Δαυνῖται*. Now I will not deny that the Daunians may also have been called Daunitæ, though the instances cited to prove it are not worth much. But I deny that the Daunians dwelt to the west of *their own country*; I deny that Scylax could say of them that they extended from sea to sea; whereas this might be said with perfect accuracy of the Samnites, whom he has named as occupying the coast between Campania and Lucania: hence I am confident the right reading is *Σαυνῖται*.

of the former. This is what Strabo says²⁹⁴: his expressions may seem to imply that the invasion of the Lucanians occurred in very early times, soon after the founding of the Greek cities; but this is not his meaning.

When Sybaris was ruling over the country between the two seas, there can have been no Lucanians in it yet: the fall of that city took place in Ol. 67. 3, 242. Nor could any powerful barbarians be masters of the coast between Posidonia and Laos about 280, when Miccythus built Pyxus there⁹⁵: although it is possible they may already have established themselves in the interior, in the parts too distant for Croton to subdue or to protect. Before the Lucanians came into hostile collision with the great cities on the bay of Tarentum, they had established themselves, as has been observed above, on this western coast⁹⁶, evidently by the conquest of Posidonia and its confederate towns. Now were we bound to assume that the dominion of the Lucanians at Posidonia put an end to the use of the Greek language there, at least on public monuments, it would be necessary to postpone the date of that conquest till after the Peloponnesian war; since, while many of the coins are exactly like the most ancient coins of Sybaris, not a few from the letters on them cannot be earlier than that epoch. But from the melancholy custom which by the account of Aristoxenus⁹⁷ was still prevalent about the middle of the fifth century, we see there was a subjugated Greek community then dwelling in the Lucanian city of Pæstum, consciously verging to its extinction, but still subsisting

²⁹⁴ Strabo vi. p. 253. b. τὰ τῶν Λευκανῶν χωρία, ἃ (1. οἱ) τῆς δευτέρας οὐχ ἤπτοντο θαλάσσης πρότερον, ἀλλ' οἱ Ἕλληνες ἐπεκράτουν, οἱ τὸν Ταραντῖνον ἔχοντες κόλπον· πρὶν δὲ τοὺς Ἕλληνας εἰσελθεῖν, οὐδ' ἦσαν πῶ Λευκανοί· Χῶνες δὲ καὶ Οἰνωτροὶ τοὺς τόπους ἐνέμουντο. κ. τ. λ.

⁹⁵ Eckhel. Doctr. num. i. p. 152.

⁹⁶ Strabo vi. p. 254. c.

⁹⁷ Athenæus xiv. p. 632.

under foreign dominion: that is, the Lucanians were settled there as a sovereign colony, having reduced the previous inhabitants to subjection. Posidonia is still regarded as a Greek city by Scylax: and as the Greek character was always used on the coins of Nola, and even on those of Capua occasionally, nothing can be proved from such a circumstance as to the time when Posidonia was taken. The probability is, the Samnites did not spread into these more remote and incomparably less tempting regions, till after they conquered Campania, where the gates of Vulturum opened to them in 314. Thurium was built in 306 (Ol. 83. 3), without any hinderance from hostile barbarians: and her rapid growth is a proof that none were standing in her way. Her only quarrel was with Tarentum; and this was settled at the peace concluded by her general, the Spartan exile Cleandridas, by virtue of which Heraclea was founded in the year 319, Ol. 86. 4²⁹⁸. Thirteen years before, Cleandridas was enjoying such influence and dignity in his native country, that at the time of this treaty we must suppose him to have at least reached the extreme highth of manhood; nor can his powers have continued adequate to the functions of a general a great many years longer. But the very earliest mention of the Lucanians is on occasion of the skill and courage he displayed in leading the Thurians against them, as well as against Terina⁹⁹: which last circumstance proves that the country between the two cities had not then been occupied by the Sabellians. Antiochus closed his Sicilian history with Ol. 89. 1, 328; three years before the Samnite colony gained exclusive possession of Capua: so that this is about the point of time to which we must refer the boundaries he assigns to Italy; and according to these the Lucanians had advanced as far as the Laos. Thirty years later, Ol. 96. 4, 359, the

²⁹⁸ Strabo vi. p. 264. c.

⁹⁹ Polyænus ii. 10. 2. 4. and 1.

Italians³⁰⁰ concluded the first general defensive league entered into by the Greek settlements on these coasts; and it was directed against the Lucanians and against Dionysius¹. The capital punishment denounced against the general of any city, if its troops failed to come forward on an irruption of those barbarians, shews the greatness of the danger that threatened, when so much alarm was confessed: yet the Lucanians did not number at that time more than thirty-four thousand fighting men². In the year 362, Ol. 97. 3, the Thurians were completely defeated and almost exterminated near Laos³, of which the Lucanians had then made themselves masters. After this battle their conquests spread like a torrent, being promoted by the ruin that the Syracusan tyrants brought on the Greek cities. Dionysius the younger, who concluded a peace with them before Ol. 105. 2, 393⁴, had begun during the war to fortify a line on the peninsula between the Scylletic and the Hipponian gulfs for the protection of his Italian province⁵.

This was the time when the Lucanian state had reached its greatest extent. Only three years after, Ol. 106. 1, 396⁶, the Bruttian people makes its appearance: it arose out of such bands as flock together in a time of utter confusion, when wars are carried on unceasingly with mercenaries; and out of revolted bondmen, who either assumed the name of runaway slaves in mockery, or adopted it when cast at them as a reproach⁷. But when they took rank

³⁰⁰ The Greeks of the Oenotrian Italy.

¹ Diodorus xiv. 91.

² Diodorus xiv. 101. foll.

³ The text of Diodorus has: βουλόμενοι (οἱ Θούριοι) λαὸν καὶ πόλιν εὐδαίμονα πολιορκῆσαι: who ever used the phrase, ἔθνος or λαὸν πολιορκῆσαι? The true reading is: βουλόμενοι Λᾶον πόλιν εὐδαίμονα πολ.: and we are led to it by Strabo vi. p. 253. a. b. where likewise instead of ἐπὶ ταύτην λαοὶ we must read, ε. τ. Λᾶον.

⁴ Diodorus xvi. 5.

⁵ Strabo vi. p. 261. c.

⁶ Diodorus xvi. 15.

⁷ By the Romans they were also called Brutates, Fest. Epit. v. Brutates bilingues.

among nations, they too were to have a heroic pedigree; and they paid honour to Bruttus, the son of Hercules and Valentia, as the father of their race³⁰⁸: so far were the ancients from taking such genealogies literally; in the one just mentioned the right of being a nation is evidently deduced from courage and strength. It must not be overlooked that this was certainly not the first time the Bruttian name was heard in Magna Græcia; about perhaps eighty years before, the city built on the Traeis by the descendants of the Sybarites after escaping from the carnage at Thurii, had been destroyed by Bruttians⁹. Wherever a whole population is reduced to bondage, general insurrections will always ensue; like those of the Helots and Penestæ in Greece: thus there must always have been Bruttians in Italy. That the people so called in later times, who at last were completely successful in an attempt often ineffectually renewed, drew their origin from a mixture of races, and in part from those Oenotrians who had been moulded into Greeks, is proved by their speaking Greek along with Oscan¹⁰. To the Greek cities they were still more formidable neighbours than the Lucanians themselves: they were avenging the servitude of ages: the times too kept on growing more disorderly. Before they make their appearance in Roman history, Terina, Hipponium, and even Thurii had been laid waste by them: the last city sprang up again like a weakly shoot from the root of a tree that has been felled; as Olbia did after its destruction by the Sarmatians*. Lucania, after being abridged of the larger and fairer half of her territory, was

³⁰⁸ Steph. v. Βρέττος.

⁹ This is the way Wesseling ought to have solved the doubt which occupied him in his note on Diodorus xii. 22. Diodorus does not give the name of the town: it must have been Sybaris: and in Strabo vi. p. 264. c. we should read ἐπὶ Τράεντος Σύβαριν instead of ἐ. Τεύθρατος.

¹⁰ Fest. Epit. v. bilingues Brutates; and Scaliger's note.

* Dion Chrysost. Orat. Borysthenit. near the beginning.

prudent enough to make a timely resignation of her hopeless pretensions, and to join in an alliance with her former subjects, for the sake of indemnifying herself by conquests on the Tarentine gulf: and she pushed forward her frontier almost to Tarentum: whereas in Scylax the Lucanian coast does not extend beyond Thurii; and Heraclea, the ancient Italy being out of the question, is assigned to Iapygia. By this enterprise however three Greek princes, Archidamus, Alexander the Molossian, and Cleonymus, were drawn over to Italy; and at last by the attack on Thurii the arms of Rome were turned against the Lucanians. When they come forward in Roman history, they are torn by internal dissensions, feeble, and spent, like a state where the citizens choose rather to rule over a multitude of bondmen and subjects that far outnumber them, than to unite with them and form a great and powerful nation: that they were rich, is proved by the spoil the Romans took from them; and that the owners of such wealth should be unable to defend it, is what might be looked for in a state where the commonalty was in servitude. What Strabo can mean by terming Petelia their metropolis, and Consentia that of the Bruttians*, is a mystery.

Between the Sabines and Samnites lies the country of the Marsians, Marrucinians, Pelignians, and Vestinians: which of itself would form a ground for conjecturing them to have been of the same race. It is true, we find a statement that the Pelignians were of Illyrian origin³¹¹: but it is opposed by evidence of incomparably greater weight; that of Ovid, who, himself a Pelignian, terms the Sabines the ancestors of his countrymen¹². Other Roman poets are almost equally express in accounting the Marsians among the Sabellians: in Horace the same incantations are called Marsian and Sabellian¹³; and Juvenal speaks of the

* Strabo vi. p. 244. a. p. 256. a.

³¹¹ Festus v. Peligni.

¹² Fast. iii. 95.

¹³ Epod. xvii. 28, 29. Sabella pectus increpare carmina, Caputque Marsa dissilire nœnia.

Marsians and their Sabellian fare³¹⁴. The word *hernæ*, which Servius calls Sabine, is said by an older Scholiast to be Marsic¹⁵. But if the Marsians were Sabellians, so were the Marrucinians, whose affinity to the Marsians was recognized by Cato, and exprest by one of the strange etymologies so common among the ancients¹⁶. Their name was formed, after the usual Italian practice of heaping one derivative termination on another, from *Marruvii*, which was a variety of the name *Marsi*¹⁷; and it might just as well have been *Marsicini*. Another passage in Juvenal, whose language is very remote from that indefiniteness which in fact is only ascribed to poets by the superficial, couples the Vestinians with the Marsians in a way which, when fairly considered, implies the identity of their national character, and that it was the same with that of the Sabellian race, so famed above all others for the severity of its morals¹⁸. Moreover those four tribes were united in a federal league; which is a ground for inferring their common origin, though certainly not a proof of it. When the Vestinians joined the Samnites in 429, a general war with the other three tribes appeared to be inevitable, if Rome hazarded the attempt to disable her new enemy by a sudden attack¹⁹. In the list of the militias which the nations of Italy were

314 III. 169. Translatus subito ad Marsos mensamque Sabellam. Virgil too might mean to intimate this, when he wrote Georg. II. 167.

15. Servius and the Veronese Scholiast on *Æn.* VII. 684.

16. Origg. II. in Priscian IX. p. 871. Marsus hostem occidit prius quam Pelignus: inde Marrucini dicti, de Marso detorsum nomen.

17. Virgil *Æn.* VII. 750. Marruvia de gente. A poet's worth is not determined by his learning: but to do justice to Virgil, we ought to acknowledge his great erudition in history and antiquities of every sort, on which the scholiasts bestow well-deserved praises. From *Marruii* (like *Pacuius* instead of *Pacuvius*) came *Marruici*, *Marruicini*.

18. XIV. 180. 181. O pueri, Marsus dicebat et Hernicus olim, Vestinusque pater.

19. Livy VIII. 29. Marsi Pelignique et Marrucini; quos, si Vestinus attingeretur, omnes habendos hostes.

able to bring into the field in case of need at the time of the Cisalpine war, the number of the troops belonging to these four tribes is given by Polybius in one sum²⁰. Ennius too mentions them together²¹, all but the Marrucinians; whose name however may have begun the next verse, the quantity of the second syllable allowing it: if the poet did not speak of them specifically, he may have satisfied himself with reflecting that they were Marsians.

The Hernicans are remarkable in history for standing in a singularly favorable relation to the Romans, as their allies on a footing of equality; and their common hostility to the Ausonian tribes, by which the hills of the Hernicans were almost surrounded, was evidently the bond of this union. This gives a show of probability to the statement of Julius Hyginus, that they were Pelasgians²²; who must in that case have maintained themselves on the advance of the Opicans in their impregnable strongholds. His testimony however is of no value; and the contrary statement, which ranks them among the Sabelians, is strongly supported by their name being said to come from the Sabine and Marsic word *hernæ*, *rocks*, a derivation which is well attested and seems exceedingly credible. According to Servius they were sprung from the Sabines; according to an older scholiast they were a Marsian colony²³: so that their settlement must be referred to the period when the Sabines were pushing forward to the sea along the Tiber as well as in the south.

The course of the Italian national migrations as of others was downward from the north; and the only natural meaning of Cato's opinion, that the neighbourhood of Amiternum was the original source of all the Sabellians,

²⁰ II. 24.

²¹ *Fragm. Ennii* ed. Hesselii, p. 150. *Marsa manus, Peligna cohors, festina* (l. *Vestina*) *virum vis*.

²² *Macrobius* v. 18.

²³ *Servius* and the *Veronese Scholiast* on *Æn.* vii. 684.

is, that this district was fixed upon by the oldest traditions, whether they may have been those of the Sabines or of the ancient Umbrians, as the abode of the people who took Reate. Dionysius indeed seems to have conceived that Cato derived all the Sabines, and consequently all their colonies also, from the village of Testrina near Amiternum, as from a single germ: but surely so extravagant an abuse of the genealogical notions above censured ought not to be imputed to a man of Cato's sound understanding. He must have known and remembered how numerous the nation was in the time of its greatness; when it counted perhaps millions of freemen. Three hundred and sixty thousand Picentines submitted in the fifth century to the dominion of Rome³²⁴: now it is probable indeed that this number included, not the able-bodied citizens alone, but, like Cæsar's account of the Helvetians, all who were free; the Picentines however were among the less considerable of the Sabellian tribes: and, though they and others of their race may have incorporated the people they subdued, the opinion, which Dionysius fancied he found in Cato, is not the less absurd.

At Reate, in the Sabina, in the country of the Marsians, the people they found, and subjugated or expelled, were Cascans: in the district of the Pentrians they were Opicans; who probably had also taken the place of the Italians about Beneventum, and in the land of the Hirpinians. On the left bank of the Tiber their settlements in the time of the Roman kings reached low down, intermingled with those of the Latins, even to the south of the Anio; and were not confined to Collatia and Regillum²⁵, and to two of the hills of Rome. The wars with the Sabines form a main part of what is contained in the earliest annals of Rome: but with the year 306 they cease entirely: which evidently coincides with their diffusion in the south

³²⁴ Pliny III. 18.

²⁵ Livy I. 38. II. 16.

of Italy: The tide of overflowing population from all the Sabellian tribes now turned toward this quarter; and the old Sabines on the Tiber became quite insignificant.

Strabo calls the Sabines Autochthons²⁶: this, applied to a people whose spreading falls so clearly within the range of history, can only mean that they are not a colony from any foreign nation. What induced him to make this remark, might be the fiction of the Tarentines, which was still extant in books, that the Samnites contained a mixture of Laconians: Strabo's sound sense however rejected this as a frivolous compliment to a powerful neighbour²⁷. Others had devised the same admixture for their parent race, the Sabines: Amyncle or Amyclæ on the Liris, it seemed, must needs be a colony from Sparta; and so the poets, though perhaps none prior to the Alexandrians, sang that it was founded by the Dioscuri along with Glaucus²⁸. Further traces of Sparta were now sought for and presumed to exist in the vicinity: Caieta was derived from *Kaiáras*: the goddess Feronia was referred to the Lacedæmonian Pharæ; some Lacedæmonians were said to have landed on the Pomptine coast, not however in the heroic age, but in that of Lycurgus, and from thence to have proceeded into the interior and joined the Sabines²⁹: an absurdity I should not allow a place to in this work, unless it exemplified and illustrated the origin of much that professes to be traditional.

As I have already observed, it is by no means improbable,—though it is a point we are not at liberty to

²⁶ v. p. 228. c.

²⁷ v. p. 250. b. c.

²⁸ Servius on *Æn.* x. 564.

²⁹ Dionysius ii. 49. The native books in which this story occurred, were not Sabine ones, but those of Gellius, whom Dionysius mentions in his introduction among his authorities. This is clear from Servius on *Æn.* viii. 638: where the only reason for mixing up Cato's name with the rambling discussion, is, that he too derived the name of the people from Sabus.

assume in a historical investigation which earnestly seeks after the truth, and which believes in historical truth,—that the Sabellians and Opicans were only branches of one stock. The language of the Sabines must have been altered in the conquered countries, by intermixture with those of such nations as they subdued but did not exterminate; yet all the Sabellians spoke a common one. To prove the Sabine origin of the word *multa*, Varro says it was still found in the Samnite language³³⁰; and to shew that *Cascus* was a Sabine word, he adduces the meaning of the name Cassinum, a place inhabited by the Samnites, the offspring of the Sabines³¹. This leads us to conjecture that the original Sabines, who had been Roman citizens so long, had ceased to speak their own language: seventy or eighty years later it is remarked by Strabo, that the language of the Samnites and Lucanians was also extinct³². I have already observed that *hernæ, rocks*, was a Sabine and a Marsic word. The Campanian Oscan must have been the dialect the furthest removed from the Sabine³³, and must have subsisted the longest: it had not become quite obsolete at Herculaneum and Pompeii when they perished.

The Marsic inscription given by Lanzi is not to be made out in the present state of our information on the Italian languages; although a close approach to Latin is strikingly evident. The characters used by the Marsians and their confederates, together with the Frentanians, and assuredly by the ancient Sabines too, were the Latin; which are also found on the table at Bantia: of the Samnites we have no written monuments save coins, which, like all the Campanian, except those with Greek inscriptions, have Etruscan letters: this however is no ground for imagining even the remotest affinity between the languages. The coins of the Lucanians have the name *Lucanom* in Greek

³³⁰ Gellius xi. 1.

³¹ de. L. L. vi. 3. p. 86. Bip.

³² vi. p. 254. a.

³³ Sabina usque radices in Oscan linguam egit, says Varro, vi. 3.

letters; so that they probably used these instead of the Etruscan. Nor was this alphabet all they adopted: hereditary enemies as they were to the Greek cities, they nevertheless acquired such a familiarity with their language, that their ambassador astonished and won the hearts of the popular assembly at Syracuse by the pure Doric he spoke³³⁴: nor would the authors of Pythagorean treatises have taken the mask of imaginary Lucanians, had it not been notorious that this philosophy found reception among them, or had it been unusual for Lucanians to write Greek³⁵.

The strictness of their morals, and their cheerful contentedness, were the peculiar glory of the Sabellian mountaineers, but especially of the Sabines and the four northern cantons: and they preserved it long after the virtues of ancient times had disappeared at Rome from the hearts and the demeanour of men. Else the several tribes of a nation have seldom been so different, as those of this great people: the Samnites, Marsians, and Pelignians, were fond of war, and clung to liberty even unto death; the Picentines were sluggish and cowardly; the Sabines simple-hearted and honest; the Lucanians ferocious freebooters. As to the Campanian knights, they were so estranged from their ancestors, that they are quite out of the question here. All the Sabellians, but especially the Marsians, practised divination; principally from the flight of birds. The Marsians also boasted of being able to charm serpents, and of having magical cures for their bites: and to this day the jugglers, who are wont to handle these reptiles familiarly, as one of the chief tricks they exhibit to the populace of Rome and Naples, come out of the same country, from the Lago di Celano in the Abruzzo.

³³⁴ Or. Corinth. among the orations of Dion Chrysostom II. p. 113. ed. Reisk.

³⁵ However that the notion of Lucanian philosophers in the time of Pythagoras, or even long after, must be a fiction of a late age, is proved by the history of that people.

Most of these tribes, and among the rest the Sabines, lived in open hamlets; the Samnites and the members of the northern confederacy, like the Epirots, fortified and dwelt around the summits of their hills; where a brave people could defend the approaches even without walls: not that they had no regular towns, but the number was small. Not a ruin is found in Samnium of the time anterior to the Romans: which does not arise solely from the ravages of war. The free shepherd and peasant will build himself a dwelling on his hills, to suit his wants, not to hold out against time and war. Nor are works of art in clay or brass, or sepulchres containing vases, found anywhere in the districts purely Sabellian; but only in those which they occupied as rulers, in Campania and Lucania.

The Sabellians would have made themselves masters of all Italy, had they been united in one state, or even firmly knit in a confederacy, so as to appropriate their conquests permanently and to hold them in dependence, securing them by colonies. But they differed from the Romans, in valuing the enjoyment of the highest degree of freedom above all things; more than greatness and power, more than the lasting preservation of the state. Hence the tribes they planted were not bound to the mother-country; but forthwith became alien and often hostile to the state they had issued from: whereas Rome, whose colonies were of small numbers, was secure of their fidelity; while by their means, and by imparting subordinate civil rights to her conquered enemies, she converted them into a body of loyal subjects far superior to her colonists in number. Owing to this, Campania was let slip from the power of the Samnites. Without reckoning the cities there, in which the elements of the Oscan population regained the preponderance, or the Bruttians, who were properly foreigners, the Sabellian cantons, at the breaking out of the war between Rome and Samnium, were about twelve in number. Of these the Marsians were joined

with the other three middle states in a federal league, having a community of national laws, but not under a common government; in the way that Rome was united with Latium and the Hernicans. The tie by which, as it would appear, at first five tribes, and at a later period four³³⁶, were united to form the Samnite republic, seems to have been firmer, but still insufficient. In time of war the Samnites elected a supreme general, whose Sabellic title *Embratur*, when moulded into a Latin word, was used to designate a commander-in-chief. We find it on the Samnite denary of the Social war, applied to C. Papius Mutilus: by Livy the Samnite commander-in-chief is termed *Imperator*, as a Latin one is *Dictator* or *Prætor*. Strabo says³⁷ that the Lucanians during war elected a king; this was the election of an *Imperator*.

The Samnites and the Marsian confederacy, the Samnites and the Lucanians, were hostile to each other: the ancient Sabines and the Picentines were regardless of the rest. But the Samnites, even standing alone, would never have fallen before the Romans, if they had enjoyed a similar constitution, and that unity to which the nations of antiquity never attained save by means of a predominant capital.

³³⁶ The Pentrians, the Caudines, the Hirpinians, and the people on the coast from Surrentum to the Silarus: at an earlier period the Frentanians also. But there may have been a still greater number of Samnite cantons, though no mention of them has been preserved: with regard to the Caracenians the matter is very doubtful.

³⁷ vi. p. 254. c.

THE TUSCANS OR ETRUSCANS.

THE fears and attention of the Greeks were excited about the time of the Persian war by the dominion of the Etruscans over the Tyrrhenian sea; although Dionysius is mistaken in supposing it to have been after them that the whole west of Italy was called Tyrrhenia by the Greeks: that name belongs to the age of the genuine Tyrrhenians. When they were confined to Tuscany, and even there were dependent upon Rome, their renown passed away; and their former greatness was held to be fabulous by the contemporaries of Polybius³³⁸. In Roman history their importance is limited to the period between the kings and the Gallic conquest; after which they are extremely weak in comparison with the Sabellians. By the Greeks they are mostly mentioned to their discredit, sometimes as pirates, sometimes as gluttons; by the Romans only as diviners and artists: it is no traditional opinion which has taught the moderns, that, independently of the extensive empire they once held, they were one of the most remarkable nations of antiquity. The ruins of their cities, the numerous works of art that have been discovered, the national spirit of the Tuscans, who looked upon them as ancestors to be proud of; even the tempting mystery of a language utterly unknown; all this has made the moderns pay more attention to them, than to any other of the Italian tribes; and the Etruscans at this day are incomparably more renowned and honoured, than they were in the time of Livy. Unhappily the interest thus felt has not

been combined with an equal degree of judgement and impartiality: men have not chosen to be content with knowing what their researches could discover: and no other part of literature relating to ancient history contains so much that is irrational and hasty, nay uncandid, as may be found in what has been written on the Etruscan language and history since Annius of Viterbo.

I think I have sufficiently explained the origin of those erroneous opinions on the extraction of the Etruscans, which deceived even the Greeks, and have led the moderns much further astray, in proportion as they were anxious to get some key or other to the secrets of a buried language. It is enough here to remind the reader, that, from Tyrrhenia retaining its name after its conquest by the Etruscans, two entirely different races were called Tyrrhenians by the Greeks: the Pelasgians on the coast of Asia and on the islands in the north of the *Ægean*, and the Etruscans. The latter had still less title to the name, than the Sabellians in the south of Italy to that of Oscans³³⁹; nay exactly the same title as the English have to that of Britons, or the Spanish Creoles to that of Mexicans or Peruvians: indeed the way they acquired it was precisely the same. Now it being assumed that all the Pelasgians must have come originally out of Greece, hence the story of the migration from Thessaly was invented: and since the Meonians were Tyrrhenians, and it passed for certain at Athens and among the Ionians, that these Tyrrhenians, as well as those of Lemnos, were of the same stock with the ancient inhabitants of Agylla and Tarquinii; since the Meonians and Lydians moreover were confounded in the selfsame manner as the Tyrrhenians and Etruscans⁴⁰; this gave birth to the story concerning the emigration of the ancient Tyrrhenians from Lydia; which story Herodotus,

³³⁹ Above p. 65, note 206.

⁴⁰ The Lydians, a branch of the same family with the Carians and Mysians, were foreign conquerors, and barbarians.

in one of his less fortunate moments, may perhaps have understood of the Etruscans.

Dionysius, though he had not detected the source of the error, makes a stout stand against the two assumptions, which are equally fallacious. That the story told by Herodotus had no Lydian tradition to rest upon, he proves by the unexceptionable authority of Xanthus; that, even if there had been such a tradition, it would deserve no credit, by the complete difference of the two nations in language, usages, and religion. His assertion that the language spoken by the Etruscans was a totally peculiar one, and bore no affinity to any other, would deserve our full belief, even if we had nothing beyond it; because the Etruscan was then, and indeed long after, a living language, and books in it were read³⁴¹. It is however but too strongly confirmed by all our inscriptions, in the words of which no analogy with the Greek language or with the kindred branch of the Latin can be detected, even by the most violent etymological artifices; so that nothing short of some wonderful discovery will ever turn this dead treasure to account⁴². In opposition to the unanimous evidence of the ancients, who assert with equal positiveness that the Tuscan language was distinct both from the Sabine and from the Oscan, an opinion has arisen among the Italian philologists, that all the nations of Italy, any remains of whose languages occur in

³⁴¹ The verses of Lucretius,

Non Tyrrhena retro volventem carmina frustra
Indicia occultæ Divum percurrere mentis.

shew that in his time the Etruscan books were still read in the original, from right to left (*retro*). I will remark by the way that by *indicia mentis* Lucretius means to explain *indigitamenta*.

⁴² Among all the Etruscan words said to have been made out, only two, *avil ril*, *viavit annos*, seem to have been really explained: and it is in this very instance that Lanzi flounders (T. II. p. 322.), because no shadow of an etymology can be found for *ril* meaning year. *Turce* is interpreted ἐποίει: I should rather take it to be *Tuscus*.

inscriptions, with the exception of a few nameless races in the south, spoke only dialects of the same fundamental language. An unprejudiced investigation, such as there are ample means of undertaking, will convince every one, as it has convinced me, that the Tuscan bore just as little affinity to the Oscan, as to Latin and Greek.

It is in compliance with the evident usage of the ancients that I here call the language of the Etruscans the Tuscan: nor shall I scruple henceforward to call the people themselves Tuscans: notwithstanding that *Tuscus* can be nothing but another form of *Turinus*. In Cato's time the country was commonly styled *Etruria*, the people *Tusci*: *Etrusci* in later times grew to be more usual in books. The old name however must have continued the prevalent one in the mouth of the people: hence under the later emperors the name of *Tuscia* for the country, which till then had not been used in writing³⁴³; and hence, since the middle ages, *Toscana*, and *Toscani* for the people. *Etruria* and *Etrusci* presuppose the simple form *Etruri*: and this we may hold to be the name originally given by the Italians to the conquerors of the Tyrrhenians: although the name both of Tuscans and Etruscans was no less foreign to the people than that of Tyrrhenians: the one they gave themselves was *Rasena*⁴⁴.

In the age of their greatness the Tuscans, having subdued the more ancient Tyrrhenians and the Umbrians, dwelt in Etruria proper and in the country about the Po. The Rætians too and other Alpine tribes were of the

³⁴³ Servius, on *Æn.* x. 164, censures the word as a novelty.

⁴⁴ Dionysius l. 30. The termination *ena* in Etruscan answers to the Latin *ius*, as is shewn by the gentile names (see note 922): so that the root is *Ras*. This statement of Dionysius however should only be understood with reference to the ruling people; their vassals might retain the old name of Tyrrhenians (see note 342): even though they had exchanged their language for that of the conquerors, like the Christians in Asia Minor.

Tuscan race, as we are expressly assured by Livy⁴⁵: so, according to Strabo, were the Lepontians and Camunians⁴⁶; perhaps the Euganeans also, who inhabited Venetia before the founding of Patavium: and the language of the people of Groeden in the Tyrol, which, mixed as it has been with others, still seems to stand alone in such roots as are peculiar to it, may not unreasonably be considered as a relic of the Etruscan⁴⁷. Mount Brenner formed the northern boundary of the Rætians, and consequently of the Etruscan race. But were these Rætians, as the common opinion would make them⁴⁸, Etruscans of the plain, who had retired to the Alps on the invasion of the Gauls? We must suppose the vallies of the Alps to have been almost uninhabited, ere this can be conceivable: for a people who had not been able to withstand the Gauls either in the field or behind their ramparts, would have been much less able, when routed and flying, to wrest the land of the mountaineer from its owner. But these regions were far from being a desert: Polybius speaks of the inroads into Cisalpine Gaul made by the Alpine tribes immediately after the Gallic invasion. And so long as there was still a home to receive the fugitives on the other side of the Po or of the Apennines, they would never have moved northward. It would be far easier to conceive—and Livy's expressions are not adverse to such a supposition⁴⁹—that the mountains had been occupied by the Etruscans on the Po as a bulwark against irruptions from the north; as Theoderic planted a colony of Goths in the land of the Breones. A rich people may seize even upon barren mountains out of

⁴⁵ v. 33. The spelling *Rhæti* with an *h* is contrary to all good authority.

⁴⁶ He says they are of the Rætian race, iv. p. 206. b.

⁴⁷ Hormayr Geschichte von Tirol, p. 139. foll.

⁴⁸ Mentioned by Pliny iii. 24. and Justin xx. 5.

⁴⁹ v. 33: after saying that the first abodes of the Etruscans were on the coast of the lower sea, and that from thence they had founded twelve colonies north of the Apennines, he proceeds: *Alpinis quoque ea gentibus haud dubie origo est, maximeque Rætis.*

ambition; or may occupy them as a precaution: but for it to send colonies sufficient to keep down the old inhabitants, when more smiling regions are inviting it³⁵⁰, implies the existence of an extensive and absolute authority, such as seems quite out of the question in a state consisting of cantons, like the Tuscan.

If Rætia on the other hand was one of the original homes of the Etruscan people, from which it issued and spread, first in upper Italy, and then to the south of the Apennines, it is very conceivable that, when those migrations took place, a great part of the nation would stay behind, because, as the Arragonese said in the introduction to their laws⁵¹, they were unwilling to exchange their rocky soil for a fat land, lest in leaving their home they should leave their freedom and their virtue: and to these, to the house of their fathers, many of the lost sons may have returned, when the days of their prosperity were gone. Even the harshness of the Etruscan language, which seems to be still surviving in the Florentine dialect, might be alleged as an argument for the people having come from a mountainous country: for, unintelligible as are the contents of the Etruscan inscriptions, still they bear unequivocal marks of such a character: besides a nation in whose language consonants were not the predominant sounds, would scarcely have adopted the oriental custom of dropping the short vowels in writing. Moreover we have historical statements, as authentic as can be required for those times, which testify that the spreading of the Etruscans toward the south was only by degrees.

In a very ancient history of the Umbrians it was related that the Etruscans had conquered three hundred

³⁵⁰ Such as the plains and hills of the Venetians, which the Tuscans did not take possession of, and the conquest of which could not have been rendered so difficult even by a large population and by fortified towns, as that of Rætia was by nature and by its people.

⁵¹ Mirabeau, *Essai sur le Despotisme*, p. 238.

of their towns⁵⁵²: so that the Umbrians must at one time have occupied the chief part of the countries which belonged to the Etruscans in the fulness of their power. It may be said, this refers to the land between the Alps and the Apennines; since, until the irruption of the Gauls, the Umbrians retained some territory between the Apennines and the Po. And this was certainly a part; but so likewise was Tuscany, where we find the ancient towns of the Umbrians low down on the left of the Tiber, and where they once dwelt as far as the Anio. Even Micali⁵³, though he would not part with the persuasion that his country was the cradle of the Etruscan people, observes that the river Umbro, at the mouth of which was a district called Umbria, mentioned by Pliny⁵⁴, reminds him of the Umbrians. In the story of the Lydian migration, Pisa and the whole country to the rocky summits of the Alps are wrested by the Tyrrhenians from the Umbrians: and Pliny says the Umbrians were the oldest inhabitants of Etruria, and were expelled by the Pelasgians⁵⁵. Though it may still be denied that Herodotus pronounces Cortona not to have been an Etruscan city, or supposed that he is mistaken if he does; yet Cære, Gravisæ, Alsium, Saturnia, were occupied by the Etruscans as conquerors, after driving out the people who in Italy bore the name of Siculians, in Athens of Pelasgians and Tyrrhenians⁵⁶. Tarquinii too had belonged to the Thesalians, Perugia to the Achæans; that is, both to the Pelasgians⁵⁷: the founding of Clusium is ascribed to

⁵⁵² Pliny iii. 19. Indisputably however none of the numbers in the Italian traditions will less admit of being taken literally than this: it merely means that there were a great many of them.

⁵³ T. i. p. 58. comp. pp. 106, 107. ⁵⁴ iii. 8.

⁵⁵ Lycophron v. 1359—61. Herodot. i. 94. Pliny iii. 8. Even Cluver, though his opinions in other respects are very different from mine, considers Tuscany as only a later conquest of the Etruscans.

⁵⁶ Dionysius i. 20. 21. Strabo v. p. 225. d.

⁵⁷ Justin xx. 1. See above p. 30. n. 69.

Telemachus⁵⁸, and thus referred to Circe's Latins. Populonia according to some was a colony of the Volaterrans, who had driven the Corsicans from this coast⁵⁹. Among the places the Etruscans wrested from the Pelasgians, Dionysius mentions Pisa⁶⁰: that it was not originally an Etruscan city, lies at the bottom of the statement of its being built by Greeks after the taking of Troy. And allowing this story to be derived from its name seeming to be a Greek one, yet Cato too held that the Tuscans were not its first inhabitants⁶¹. From him or from Varro did Dionysius undoubtedly borrow his accounts of the spreading of the Etruscans toward the Tiber. But all statements, however probable in themselves and well attested, were forced to give way to the tale of a Lydian extraction. For by this the first settlement of the new-comers was of necessity placed on the coast of the lower sea; which is also assumed by Lycophron: and thus grew up the opinion, which in Livy passes for certainty, that Tuscany was the original home of the Etruscans, whence they moved northward across the Apennines and toward the Alps. I will not dissemble, that two Latin writers of Etruscan history, Flaccus and Cæcina, unquestionably related, that Tarchon came from the south of the mountains and built the twelve northern cities, among which was Mantua⁶². But as we find Tarchon here, that is, Tyrrhenus and the Meonian fable, this is not worth more than the Ætavian story of Antenor in Livy. What the native annals of the Etruscans related of their origin, we know only negatively; so far as that they said nothing of the Lydian legend. Among a priestridden people like the Etruscans, the annals must have been in the hands of the priests, as even at Rome they were in those of the pontiffs; and since they considered Etruria as the

⁵⁸ Servius on *Æn.* x. 167.

⁶⁰ l. 20.

⁶² Schol. Ver. on *Æn.* x. 198: compared with Servius.

⁵⁹ Servius on *Æn.* x. 167.

⁶¹ In Servius on *Æn.* x. 179.

favorite land of the Gods³⁶³, it was natural they should boast to have been its primitive inhabitants.

At no time did the Etruscans possess the whole of Cisalpine Gaul. Westward their territory extended only to the Ticinus, where in those days Ligurians were dwelling, having been driven back by the Gauls. The land south of the Po too, nearly down to Parma, belonged to the Ligurians, or was uninhabitable from its swamps. Romagna was in the hands of the Umbrians, who kept it till the Gauls broke in. But in the country between the Venetians and the Gauls, some Etruscan towns maintained themselves until they yielded to the Romans: Verona is termed by Pliny a Rætian, Mantua by him and by Virgil a Tuscan city⁶⁴: thus it was in Etruscan cities that the most genial and the most elaborate of the Roman poets were born. Both these may be classed among the twelve Tuscan towns to the north of the Apennines; which number decidedly included Hatria, Melpum, and Felsina. The first of these, once eminent for its commerce, gave its name to the upper sea. Melpum, a very rich town in the Milanese, to the north of the Po, was destroyed by the Boii, Senones, and Insubres, on the day that Camillus took Veii, in the year 358⁶⁵. Bononia, under the name of Felsina, was once the capital of Etruria⁶⁶: this too seems to argue that the nation did not spread from the south of the Apennines.

The twelve cities south of the Apennines, which were united in a confederacy as sovereigns of their respective districts, frequently as their number is mentioned, are nowhere

³⁶³ *Vegoja*; among the fragments of the *Agrimensores*, *Goes*. p. 258. *Scias mare ex æthere remotum. Cum autem Juppiter terram Hetruriæ sibi vindicavit, &c.*

⁶⁴ *Plin.* iii. 23. *Virg. Æn.* x. 199—203. So likewise by Flaccus and Cæcina. As to Verona, we have certainly to choose between this statement, and that which assigns it and Brixia to the Cenomani. See the notes on *Livy* v. 35.

⁶⁵ *Pliny* iii. 21.

⁶⁶ *Pliny* iii. 20.

enumerated by name; and it is doubtful, which, among several of those that seem to have a claim to this pre-eminence, must yield to the others.

When Livy is relating how the allies volunteered to forward Scipio's armament, he says the Etruscan states promised to support him, each according to its means³⁶⁷; that is to say, they all did so: but he afterward only mentions eight cities; and what each supplied. These were Cære, Tarquinii, Populonia, Volaterræ, Arretium, Perusia, Clusium, Rusellæ: that any would withdraw is incredible; but a writer so hasty may easily have omitted some. Of the towns unquestionably belonging to the number of the sovereign twelve, Veii and Vulsinii had been destroyed: and Vetulonium had disappeared, a city never mentioned in the historical age of Rome, and but once in the legends; in the story, which Livy has entirely overlooked, of a protracted war carried on by Etruria against Tarquinius Priscus and the Romans⁶⁸. Populonia, being a colony from Volaterræ, was not one of the original twelve cities; it can only have come into the room of an extinct one: now if our topography be correct in putting Vetulonium near it; then the place of Vetulonium, which appears from report to have been powerful of yore, supposing that its destruction was one of those early events in Etruria which are totally forgotten, may have been taken by its neighbour, Populonia, as that of Himera was by Thermæ. Thus the number of the twelve Achæan cities, whenever it fell short, was made up: and thus we find at different epochs that there were always thirty Latin cities, and seven Frisian provinces; the whole number being preserved; but with some new ones amongst them, to replace such as were extinct or lost.

A century earlier Cortona is called by Livy one of the chief places of Etruria⁶⁹: this makes us the more surprised to

³⁶⁷ xxviii. 45. *Etruriæ populi pro suis quisque facultatibus consulem adjuturos polliciti.*

⁶⁸ Dionysius iii. 51.

⁶⁹ ix. 37. *A Perusia et Cortona et Arretio, quæ ferme capita Etruriæ populorum ea tempestate erant.*

miss her when he enumerates those eight. Now she may have had just as little to do with the Etruscans as Falerii had, and he may have been led into an error by her situation. But his statement may also be well-founded, and yet the one in Herodotus, which goes 120 years further back, may be no less so: if we conceive that meanwhile, having long stood solitary and abandoned, she had at length fallen, and been forced to receive an Etruscan colony; which then, as was probably the case with Populonia, stepped into the place of some lost city, to wit of Veii. The omission of her name however in Livy cannot be accounted for by merely supposing that he, or the historian he followed, was guilty of carelessness. The last years of the Etruscan war, the narrative of which was contained in Livy's eleventh book, are covered with an obscurity perfectly impervious. If Cortona was forced at that time to submit to Rome before the general peace, she would obtain no share in the terms by which such places as still held out were recognized as states, though under the supremacy of Rome. In that case her condition must have been very different from that of those eight cities: perhaps she was admitted to the inferior franchise, as the Etruscan town of Saturnia undoubtedly was about the same time.

Whatever conjecture we may form on this point, two places seem to be still wanting to complete the number of twelve. Whether it was made up by Capena, or by Cossa, or by Fæsulæ, is a question that cannot be answered with certainty: it may even have been a people different from all three, one of which in our scanty sources of information about Etruria we find nothing but the name, as is the case with the Salpenates³⁷⁰, or of which the very name never occurs.

Capena certainly in the year 550 could no longer be counted among the Etruscan towns; since the Capenates,

³⁷⁰ Livy v. 31.

that is, assuredly not merely some individuals who had gone over to the Romans, had already been enjoying the full rights of Roman citizens for 180 years*. Previously they had waged war by themselves against Rome; and though I think I make out in an extremely disfigured and obscure statement derived from Cato, that their city was a colony from Veii, and their ancestors a generation bound to emigrate by the vow of a sacred spring³⁷¹, they might still be an independent state: I have before mentioned the analogous case of Populonia.

But while in this instance every thing is uncertain, there is on the contrary a tolerable probability for excluding the pretensions of Cossa. Pliny calls it Cossa of the Volcientes⁷²: this combined with the mention of a people bearing almost the same name, the Volcentes, who are spoken of along with the Lucanians and Hirpynians†, is a substantial ground for conjecturing that the original inhabitants of Cossa were not Etruscans, but had kept their ground against the Etruscans. It is true, that at all events this city could not be mentioned by Livy on occasion of Scipio's expedition; for it had long since been transformed into a Latin colony‡. The ruins of its walls, which are far beyond the dimensions of a colony, belong to an earlier age; but they prove nothing as to the nation that raised them; for the style of their architecture is not confined to the Etruscan towns.

The walls of Fæsulæ, its theatre, and other ruins that have come to light there, display a greatness not inferior to that of any other Etruscan city: moreover it

* Livy v. 4.

³⁷¹ In Servius on *Æn.* vii. 697. *Hos dicit Cato Veientum condidisse auxilio regis Propertii, qui eos Capenam cum adolevissent miserat.* There must be a gap after Veientum: the words dropt may have been *juventutem fuisse, oppidumque.*

⁷² Cossa Volcientium, iii. 8. In the *Fasti Triumphales* the name is spelt *Vuloientes.*

† Livy xxvii. 15.

‡ Livy xxvii. 10.

is probable that here as elsewhere Sylla settled his colony in the centre of a great territory, and not by the side of a dependent town: indeed the only ground for its being doubtful whether the parent city of Florence was one of the twelve, seems to me, that we must then suppose Livy overlooked her: which in this case strikes us as more especially impossible. From her remote situation it is quite incredible that her fall should have been prior to the general peace.

The territory belonging to each of the sovereign cities contained several provincial towns, some of them dependent colonies, others inhabited by subjects, the descendants of the old subjugated population. Now it was because the Etruscan state was founded on conquest, that the nobles had such a multitude of clients, like the Thesalian *Peonestæ*³⁷³: whom they employed in taskwork, and without whom their colossal works could hardly have been achieved. At Rome the relation between the patron and client was the feudal system in its best form: but even supposing that there was a similar law of conscience among the Etruscans, binding the patron and protecting the client, still it was on her free plebeian estate that the greatness of Rome rested; and none such, it is evident, existed in any Etruscan city. We do indeed find a slight allusion, which might be considered as indicating that there was a popular assembly at Tarquinii, distinct from the general body of the ruling houses⁷⁴. And this trace certainly is not to be overlooked: but who will warrant, that the Roman writer followed by Dionysius in a narrative where all the details must be a late embellishment, did not merely transfer to Tarquinii the relation between the Roman curies and commonalty?

373 Dionysius ix. 5. οἱ δυνατώτατοι τοὺς πενέστας ἐπαγόμενοι.

74 Dionysius v. 3. πείσας τὰ γένη (so the Vatic. MS.) τῶν Ταρ-
κυνιτῶν, καὶ δι' ἐκείνων ἐπὶ τὴν ἐκκλησίαν παραχθείς.

This is far more probable than that he knew and paid regard to the constitution of Tarquinii³⁷⁵.

It was not by popular assemblies, nor even by deliberations of a numerous senate, but by meetings of the chiefs of the land, the Magnates (*principes Etruriæ*), that the general affairs of the nation were decided upon⁷⁶. We are not to imagine that the meetings at the temple of Voltumna were of any other kind, or corresponded with the institutions of nations really free, such as the Latins and Samnites. These Etrurian chiefs were the persons from whom the young Roman nobles received instruction in the sacred sciences of divination⁷⁷; a warlike sacerdotal caste, like the Chaldeans: these were the Lucumones, by whose ancestors the revelations of Tages had been committed to writing⁷⁸. If the conduct of the priests at Tarquinii, in sacrificing captives, dressing themselves up like infernal spirits, and hurling snakes and burning torches at the enemy, was common among them, it was natural the name of such fanatics and juglers should be transferred to lunatics and madmen⁷⁹. They were patricians, not kings. Lucumo of Clusium, Lucumo who brought succour to Romulus, Lucumo in fine who removed from Tarquinii to Rome, were represented in the old traditions as only leading men in their respective cities. The Cilnii, the Cæcinæ, were Lucumones, as the Claudii and Valerii were patricians; they were not less noble than the latter by birth, though as Romans accounted only among the commonalty.

These ruling houses were exposed to those violent revolutions, by which an oligarchy is everywhere threatened,

³⁷⁵ The same applies, and still more strongly, to the mention of the plebs at Arretium, in Livy x. 5.

⁷⁶ Livy x. 16. *Postulaverunt Samnites principum Etruriæ concilium. Quo coacto, &c.*

⁷⁷ Cicero de Divin. i. 41. de legg. ii. 9. Val. Maximus i. 1, 2.

⁷⁸ Censorinus 4, at the end.

⁷⁹ Fest. Epit. v. *Lucumones quidam homines ob insaniam dicti.*

even from the midst of its own body, wherever it is not upheld by some powerful protection from without, open or dissembled. About the middle of the fifth century the house of the Cilnii were expelled from Arretium by force of arms, as the factions of the noble houses in Tuscany banished each other by turns in the middle ages. It was also in the spirit of these unhappy feuds, for the refugees to be restored by the mediation of the public enemy, the Romans³⁸⁰: but when these had exiled the whole house of the Tarquins, the rigour of that sentence was not to be mitigated by any foreign intercession.

Even so late as in the second Punic war, we find the government of the Etruscan cities vested exclusively in the senators, that is, in the nobless. In the south of Italy, where the supreme power was everywhere shared between the senate and the people, we know what were the sentiments of both orders at that crisis: in Etruria, when a ferment began to shew itself, it was entirely suppress by securing the submission of the senate at Arretium: the people are quite out of the question⁸¹.

Now the want of a free and respectable commonalty,—which the Etruscans, obstinately retaining and extending their old feudal system, never allowed to grow up,—was the occasion of the remarkable weakness displayed by the great Etruscan cities in their wars with the Romans, where the victory was decided by the number and strength of the infantry. The same want led to the dominion of the serfs at Vulsinii; the story of which, as related by the meagre writers of doubtful credit who are our historical sources for the period of this strange phenomenon, sounds no less incredible than horrible*. Were that account true, nothing worse can have been exhibited either in the time of the Anabaptists or by a negro insurrection: but writers who could persuade themselves that the citizens of Vulsinii,

³⁸⁰ Livy x. 3. 5.

⁸¹ Livy xxvii. 24.

* Valer. Max. ix. 1. Orosius iv. 5.

in order to abandon themselves to voluptuous indulgences without interruption, would commit their arms and the government to their slaves, are not to be trusted implicitly as to the horrors said to have ensued. Some report about a very unusual state of things in an Etruscan city had been fabulously exaggerated by Greek writers³⁸²; and their fictions were foolishly adopted by the Roman: moreover it was necessary that those for whose extermination Rome had taken up arms, should be represented as extremely criminal: and lastly the virulence of party spirit was not without its influence. The marvel disappears, as soon as we perceive that the insurgents must have been serfs, not domestic slaves⁸³. They had been armed by the ruling class in the Roman war: their aid enabled Vulsinii, when deserted by most of the other towns, to be the only one of all the Etruscan cities that carried on an honorable struggle year after year against Rome; and in a fortunate

³⁸² The *De Mirabilibus*, inserted among the works of Aristotle, and written about Ol. 130, in which, as I have already observed, (p. 20.) a great deal is borrowed from Timæus, tells (p. 123, ed. Sylb.) of a Tyrrhenian city *Olvapéa*, which submitted to be governed by its slaves: this must undoubtedly mean Vulsinii, whether we suppose the author or the transcribers distorted the name. Had the supreme power fallen into the hands of domestic slaves who had been emancipated,—and a Greek could scarcely help regarding the Italian clients as such; for the Thessalians did not write books—the matter would certainly belong to the class of marvellous stories. But it is historical, and so requires a rational interpretation.

⁸³ Neither was it on their domestic slaves that the Argives conferred the right of citizenship, after their city had been desolated by the disaster in the Hebdoma (Herodot. vi. 83): it was assuredly on the Gymnætes, the Argive serfs (see the Lexicographers quoted by Ruhnken on Timæus v. *πενεστικόν*). Aristotle instead of servants calls them *περίοικοι*: Polit. v. 3. 133. a. There are numerous traces among the Greeks of an ancient separation between those who afterward composed the *demus*, and the burghers, caused by the bondage of the former in early times: for instance when the Samian *demus*, after overpowering the aristocrats, deprived them of the right of intermarriage (Thucyd. viii. 21); which must evidently have been an act of retaliation.

moment she obtained respectable terms*. For the defenders of their common home to become citizens, was a matter of course: for them to extend their right of citizenship to a right of inheriting from and intermarrying with the old citizens, and to a seat in the senate, was no less so: and the complaints against them do not in reality amount to more, when stript of the colouring originally laid on by party hatred, and monstrosly overcharged by silly declamation. The serfs on becoming masters may have been guilty of excesses: but what credit for candour can we give to those, who called down destruction on their native city, because they were unwilling to allow their fellow-countrymen an equality of rights? who chose rather that their country should cease to exist, than that they should have to share the rule of it with others. The same national impotence, the same compulsory precipitate liberation of the oppressed, the same general ruin, were the Roman patricians bringing on, without knowing in their folly what they were doing, when they persisted in keeping the commonalty in servitude, and denying them their equitable rights.

The part taken by the Etruscans in Sylla's war was the act of the whole people: the Roman franchise was enjoyed by every free man without distinction, however the old but now expiring constitutions excluded or restricted him at home: and from this war we may see how great Etruria would have become, if all the Etruscans had had a country some centuries earlier.

The regal office, not hereditary in a single heroic family as in Greece, but elective for life like the Roman, continued at Veii until its fall³⁸⁴: at Arretium a king may have often been taken from the house of the Cilnii⁸⁵.

* Livy. x. 37.

³⁸⁴ Livy v. 1. Had he recollected that he had spoken of Lar Tolumnius as king of Veii but 34 years before, he would not have looked upon this election as a novelty.

⁸⁵ *Tyrrhena regum progenies.*

A common highpriest was appointed by the twelve cities, and presided at the national festivals⁸⁶: in enterprises of the whole body the supreme command was committed to one of the twelve kings, who received a lictor from each city⁸⁷. Even Porsenna, highly as he is celebrated in the old poems, is nothing in Roman history but king of Clusium. Yet the power of the whole nation is set in action by him; and in earlier times a union seems occasionally to have been effected by the power of a supreme chief: thus all the twelve cities pay homage to Tarquin, considered as a Lucumo; and the same is implied in the legends of Mezentius and Cæles Vibenna. But from the time when Roman history assumes the form of annals, the cities stand insulated; uniting only casually and transiently. Yet loose as was the federal bond in Etruria, it was by this that wars between the cities, of which we do not find a single trace, were prevented.

Such being the nature of their association, the islands of Ilva and Corsica must have been under the dominion, not of the whole nation, but only of the adjacent maritime cities⁸⁸. Thus too the Agyllæans had stood alone, when, about 220, while they were still Tyrrhenians, they attacked the Phocæans of Alalia⁸⁹, to dispute the possession

⁸⁶ Livy v. 1.

⁸⁷ Livy i. 8. Dionysius iii. 61.

⁸⁸ Ilva would belong to Populonia; and so the furnaces for its iron ore must have lain within the territory of that city. The Greeks received the story, that no ore could be smelted in that island (see Varro quoted by Servius on *Æn.* x. 174. Strabo v. p. 223. d.), as a marvel: even at this day it is never smelted there; because there must be a transport either of coal or of the ore, and the latter is the more convenient: just as the copper ore is conveyed from Cornwall to Wales.

⁸⁹ Herod. i. 167. It is the Tyrrhenians, who stone their prisoners; the Agyllæans, who are chastised by heaven: can Herodotus have supposed that the sin of only one people was visited by the gods, and that others equally guilty were left unpunished? That Agylla as then had not yet become Cære, is clear from her consulting the Delphic oracle: the Etruscans would have been content with their own aruspicy. The treasury of the Agyllæans at Delphi must belong of necessity to the time when they were Pelasgians.

of Cynus. In order to punish the piracies of the maritime cities, the Syracusans overran both these islands in 299⁸⁹⁰; and the same must have been the cities to which Corsica is said to have paid tribute⁹¹. The Tuscan colony of Nicæa in this island was perhaps an old one of the Tyrrhenians; and from them assuredly came the Greek name of Ilva, Æthalia: the Tyrrhenians mentioned among the ancient inhabitants of Sardinia, were unquestionably Pelasgians.

The same Tyrrhenians too, and not the Etruscans, must have been the people by whose piracies the western seas were made impassable for peaceful mariners, before the founding of the Greek colonies in Sicily⁹². The same piracies assuredly were the principal cause that compelled the Phocæans to employ gallies in their voyages to Tartessus*. Subsequently all the corsairs of the lower sea, even the Antiates, seem to have passed among the Greeks for Tyrrhenians. But even if the Etruscans have had to answer for more than they were guilty of, still they fully deserved to be stigmatized and hated as pirates: Agylla (Cære) was alone exempted from the general opprobrium⁹³. About 250 a station of armed ships was established by Anaxilaus of Rhegium, near cape Scyllæum, to blockade the straits against their corsairs⁹⁴. As Etruria was then at the summit of its greatness, the Tuscans had the command of the whole Tyrrhenian sea, and sent out large fleets on naval expeditions. In 278 the protection of Hiero king of Syracuse was invoked by Cuma against them⁹⁵: by the great defeat that their navy then sustained, their maritime power seems to have been broken, as Pindar prayed that it might be⁹⁶. For the naval armament of the Syracusans in the year 299, which conquered Ilva and ravaged the Tuscan coast and Corsica, was not opposed by any

⁸⁹⁰ Diodorus xi. 88.

⁹² Ephorus in Strabo vi. p. 267. c.

* Herod. i. 163.

⁹⁵ Diodorus xi. 51.

⁹¹ Diodorus v. 13.

⁹³ Strabo v. p. 220. c.

⁹⁴ Strabo vi. p. 257. a.

⁹⁶ Pyth. i. v. 137—141.

Tyrrhenian ships: it was by bribery that Etruria got rid of the Greek fleet³⁹⁷. Nor did any naval force shew itself in 368, when Dionysius, under the pretext of punishing the corsairs, appeared on the coast of Cære with only sixty triremes, and plundered Pyrgi⁹⁸. But in 448 a Tuscan squadron of eighteen ships came to the assistance of Agathocles⁹⁹; probably corsairs. For about that time their piracies extended even into the Ægean, where the naval power of Athens had sunk, and that of Rhodes was only beginning to rise. By destroying the Etruscan pirates the Rhodians earned the gratitude of the Greek nation⁴⁰⁰: this meritorious exploit seems to have been achieved in the time between the death of Agathocles and the expedition of Pyrrhus: for from a prince like the former, pirates were sure to find protection at the price of sharing their booty; and their piracies assuredly were not tolerated by the Romans, any more than those of the Antiates. Indeed it is probable that they were bound to deliver up all their ships of war by the treaty; since it was from the Greek cities of southern Italy that Rome obtained her few triremes and fifty-oar galleys at the beginning of the first Punic war¹.

Treaties between the Etruscan maritime cities and Carthage were subsisting so late as the time of Aristotle; whereby, as in that with Rome preserved by Polybius, the right of commerce was regulated, restricted, and secured. If they also contained stipulations about giving assistance², these can only have been valid against nations not included in similar alliances; else Carthage could not have continued for centuries on terms of friendship with Rome. Perhaps however the assistance was confined to the allowing levies to be raised: in the year 448 there were

³⁹⁷ Diodorus xi. 88.

⁹⁸ Diodorus xv. 14:

⁹⁹ Diodorus xx. 61.

⁴⁰⁰ Æl. Aristides Rhod. ii. p. 342. a. p. 399. d. ed. Cant.

¹ Polybius i. 20.

² Aristotle Polit. iii. 9.

a thousand Etruscan mercenaries⁴⁰³ in the Punic army in Sicily: so, when Pyrrhus was in that island, levies were made in Italy for the Carthaginians; but Rome did not send any auxiliaries.

Their fruitful land, rich in internal treasures, supplied abundant materials for the commercial spirit of the Etruscans; and there was a time when Tuscany must have been the staple of commerce among the countries on the Mediterranean, the other nations of Italy, and the remotest barbarian tribes; with which there was a communication by a secured high-road across the Alps⁴.

The works of the Etruscans, the very ruins of which astonish us, cannot, it is perfectly evident, have been executed in small states without taskmasters and bondmen: but we must not overlook the great superiority of the Etruscan rulers in this point to the Egyptian. All their works that we are acquainted with, have a great public object: they are not pyramids, obelisks, and temples, multiplied without number: if the people suffered in its hard service, it was not for idle purposes⁵. So too and by means of like taskwork did Rome build, when governed by Etruscan kings: after she became free, all great works were at a stand, until the republic had grown rich by its victories and conquests: and when compared with her oldest works and with those of the Etruscan cities, the buildings of imperial Rome make but an

403. Diodorus xix. 106.

4. As far as the Iberians. Pseud—Aristot. *Περὶ θαλάσσης ἀκρότης*. p. 102.

5 I grant, no expenditure was ever squandered so lavishly by the Egyptians, as that which must have been laid out on the sepulchre of the mythical hero Porsenna, if we might rely on the description of it taken by Varro from native books. Pliny's expressions (xxxvi. 19. 3, 4.) shew that no trace of it can have been visible in his time: and yet so colossal an edifice must have lasted undamaged down to this day: so that it can be nothing but a dream. Indeed a building like the one described by Varro is absolutely impossible, and belongs to the Arabian Nights.

inconsiderable figure. The walls of Volterra and other capitals are constructed of huge blocks, and, so far as they have not been studiously demolished by hostile violence, still subsist in imperishable solidity. The theatre at Fiesole, and a colossal building near it, are on an equally grand scale: yet this style is not peculiar to the Etruscans exclusively. It prevails in all the monuments of Latium and ancient Rome, from the cell of the temple at Gabii, to the wall round the forum of Augustus: and the probability is rather that it was derived by the Etruscans from the earlier inhabitants of Etruria.

The greatest part of Tuscany is mountainous: the rich valley through which the Arno flows, was anciently a lake and swamp. There was a lake from Segna to below Fiesole, and toward Prato: the valley was blocked up by mount Gonfalina: this rock has been cut through, and a passage opened for the stream toward Pisa⁴⁰⁶. When the walls of Fiesole were built, this whole extent was still filled with water; as is proved by the apertures for drains⁷. The water covered the site where Florence now stands⁸: to refer that city to the Etruscan age is a notion utterly untenable. But there has also been a cut made near La Incisa, to redeem the rich fields of the upper Val d'Arno from the water: unless it was into the Clanis that the streams, which now form this part of the river, discharged themselves of yore, and the purpose was to lessen the quantity of water in the Tiber. The swamps through which Hannibal marched*, are those which have now been drained on the right bank of the lower Arno: in those days they may have served as a barrier against the Gauls

⁴⁰⁶ Of this even Giovanni Villani was aware: i. 43.

⁷ The peasant who guides strangers there, has been led by his plain sense to find this out.

⁸ Hence the dreadful inundations the city experienced in the middle ages: the ground now has been much raised.

* Livy xxii. 2.

and Ligurians: perhaps they had been drained in an earlier age, and afterward for that purpose abandoned to the irruption of the waters. On the Po, in the neighbourhood of Hadria, the art of turning off muddy rivers had been practised by the Etruscans with success: which rivers, if kept shut up between dams, are continually raising their beds, so that after the lapse of centuries they stand on a level far above that of the adjoining country; and hence it becomes necessary to raise the dykes in the same proportion, until the perseverance of man is at last exhausted in the unequal contest with the powers of nature. Now one among the useful arts carried on by the Tuscans in our days, is that of diverting such waters into marshes, in order to draw them off again, when the fertilizing deposit has been secreted: by this system the Chiana has gradually been converted from a barren pestilential swamp into a rich plain. Where a delta however has begun to form, in the Po, as in the Nile and the Mississippi, standing waters will collect between the arms of the river, and its mouths are protruded into the sea; and the further the mouths advance and diverge from each other, the broader and deeper do the lakes and inland seas made by these waters become. It is with reference to the overlaying of swamps like the Chiana, a process which at the same time prevents the bed of the river growing higher, that we must understand Pliny's account of the stream of the Po being guided by the Tuscans into the morasses of the Hadrians⁴⁰⁹: similar works are needed there at this day. The channels too by which the Po discharges itself, were dug by the Tuscans or by their subjects; and their canals and dams were the means by which its delta was constructed. Another method of gaining land in use amongst them, consisted in letting off lakes that had formed in the craters of extinct volcanoes, by tunnels cut through

⁴⁰⁹ Pliny III. 20. Omnia ea flumina fossasque primi—fecere Tusci; egesto amnis impetu per transversum in Atrianorum paludes.

the sides of the hill. In the territory of Perugia and in the Suburbicarian Tuscia there are traces of many such lakes, which are completely dried up; the tunnels are unknown and never cleared out, but still work.

The renown of the Etruscans, as a nation peculiarly excelling in the arts, is so established, that I cannot expect a favorable reception for the conjecture, that the works in bronze and clay and the bas-reliefs attributed to them, were the produce, not of the ruling people, but of their subject bondmen, and that the Etruscans properly so called were no less alien from the arts than the Romans. Yet I believe that the striking difference we observe between the works of Tarquinii and Arretium, is to be accounted for from the earlier inhabitants of northern and southern Tuscany being of different origin. The works which are peculiar to Volaterræ were occasioned by its stone-quarries. But the two former cities wrought in clay: the produce of Arretium were red vases with very elegant figures in relief, of a taste altogether peculiar¹⁰: those of Tarquinii were painted, and in colour and drawing exactly like some discovered near Corinth, and engraved in Dodwell*, while they differed from the Campanian in all the same particulars as the Greek. These are only found in the district of Tarquinii; and, where they occur, those of Arretium are never met with. Their striking resemblance to the Corinthian vases reminds us of the story of Demareteus, and his companions, the potters Euchir and Eugrammus¹¹; which is clearly meant to express that from Corinth did Tarquinii derive her skill in handling clay, and the elegance of her drawing on her vases. This implies the existence of a peculiar intercourse with Greece, such as was carried on by the neighbouring city of Agylla.

¹⁰ Works of this kind were still executed in the time of Augustus, when the art of making the Campanian vases was utterly lost.

* Tour through Greece ii. 196.

¹¹ Fictores. Pliny xxxv. 48.

The Etruscan statues in the earliest ages were of clay; like the four-horsed chariot on the Capitoline temple, said to have been set up at the time of its dedication. But the statues belonging to the first ages of Rome, several of which were long preserved, were probably uniformly of bronze⁴¹²: and this is the material of all the masterpieces that shed lustre on Etruscan art.

To deny that this art owed its refinement to the Greeks, is extremely idle. Its original rudeness is proved by works of a very early date; and to the Greeks alone was that idea revealed, by which the human body is fashioned into life and beauty. It was from their genius that the spark proceeded, by which susceptible natures have been kindled in every susceptible people. Hence the subjects of the most beautiful Etruscan works of art often belong to Greek mythology: but, having once been enlightened, the Tuscans were also able to treat their own conceptions in the spirit of Greeks. One thing that strikes us, as though it were a national characteristic, is that their drawing is often extremely correct, without any regard to grace: indeed the style is exactly like that of the Tuscan painters who lived at the revival of art in the middle ages¹³.

Even supposing the artist who executed the she-wolf of the Capitol, was not an Etruscan, still in this work, which has no counterpart among those of the Greeks, we clearly see what Etruscan art must have been

⁴¹² The marble works in the oldest style, whether statues or bas-reliefs, which are called Etruscan, are probably all Greek: for the quarry at Luna was not worked till very late. So long as bronze was not too dear, casting must have been preferred to the far more difficult process of sculpture.

¹³ On this point Micali's work is extremely valuable. The reader may look in it at the engravings of Etruscan bas-reliefs, particularly at pl. 28, for the countenances. The idea of pl. 23, which is unlike any thing Greek, and its execution, are exceedingly fine: the genius of death in pl. 44 is a perfect cherub.

about the middle of the fifth century. And this must probably have been the age of their finest gems: everything that is tamer, more delicate, and softer, belongs to a later, in part to a much later period. In the two centuries between the crisis when the relation of Etruria to Rome was decided, and the time of Sylla, the arts must have been very flourishing: the people were living in profound peace and great wealth: and the prosperity of the country was only disturbed by two storms which passed rapidly over; in one campaign of the Cisalpine, and in the second of Hannibal's war.

Tuscan art had no national heroic story to work on: like that of other countries it sought for its subjects in the mythology of the Greeks: so that the stories of Thebes and Ilium must have been familiar to the people. That the circulation of Greek poems had spread even into Etruria, is not to be questioned: the West and Carthage itself were open to Greek literature; Inycum, that obscure town of the Sicanians, was not the only place where the Greek sophists made money⁴¹⁴; and in earlier times a rhapsodist must surely have been still more welcome. When even the Romans were reading Greek, the study would certainly be yet more prevalent amid the quiet of Etruria. But it was not in a foreign language alone that the Greek stories were listened to: the works of art are not unfrequently inscribed with the names of the heroes, altered however to suit the forms of the Etruscan language; and this is an unequivocal proof that they lived in the speech of the nation, and in poems in the native tongue. Varro too mentions some Tuscan tragedies by one Volnius, who, from his way of speaking of him, seems to have lived not long before¹⁵: these tragedies might have been an

⁴¹⁴ Plato Hipp. p. 282. c.

¹⁵ Varro de l. L. iv. 9. p. 17. Ut Volnius dicebat qui tragœdias Tuscas scripsit. *Volnius* is the reading of the Florentine MS. *Volumnius*, as the editions have it, is one of the corruptions introduced by Pomponius Lætus.

exercise of ingenuity with which the nation had no concern: but on the other hand we have evidence in the theatre at Fæsulæ that Greek dramas, either originals or translations, were performed there, as they were in Latium at Tusculum and Bovillæ: were it not so, the construction of such a building in the Greek form would be unaccountable. Nor can it be doubted that this theatre was built before the time of Sylla: its size and magnificence are far beyond the scale of a Roman military colony: besides how could such a colony have wished for anything but an amphitheatre? There seems moreover to be very good ground for the Florentine tradition, that Florence was built by Sylla's colony, and that it did not settle on the hill. However in no Etruscan inscription do we find any thing bearing the slightest resemblance to the rhythms of the Greeks, which could not have escaped us even in a language totally unintelligible; nor indeed anything bearing the least semblance of verse. The town from which the Fescennine musical dialogue took its name, belonged to the Faliscans, not to the Etruscans⁴¹⁶.

It was from Etruria that the music of the Romans was derived: their stage-singers too came from thence. Like the minstrel in the middle ages, the Etruscan *hister* danced and sang to instrumental music, in which the time served as an equivalent for verse, instead of any regular measure. Stringed instruments are to be met with here and there on the monuments; but the proper native instrument was the flute.

The Etruscan characters were formed, like the Greek, from the same alphabet, among the various ones of different origin found in Asia, whence all the modes of writing used in Europe are derived. That the Etruscans received it immediately from the Phenicians, would not be proved by their custom of proceeding from right to

⁴¹⁶ Virgil *Æn.* vii. 695.

left: but their omitting the short vowels, and their practice of noting doubled consonants by a single letter, as is done in all the Aramaic systems of writing, are purely Punic: so is the want of the vowel O; though nothing can be determined from this as to the sound, which the Semitic languages have.

But the Phenicians designated numbers by letters: not so the Etruscans. The numerals we call Roman, are Etruscan; and they occur frequently on their monuments: they are the remnants of a hieroglyphical art of writing, which was in use before the age of the alphabetical, and, like the numerals of the Aztecs, represent some object that was associated with a particular number. They are indigenous, and belong to the time when the West was subsisting with all its original peculiarities, before it experienced any influence from Asia; to the time when the Turdetanians were forming their alphabet and their literature⁴¹⁷.

The profane sciences of Etruria likewise, her medicine, physics, and astronomy, were not borrowed either from the Greeks or the Carthaginians: perhaps they were brought by the nation from the North, the seat of her gods¹⁸. Here we meet with the same extraordinary phenomenon, which strikes us with astonishment in the new world, an extremely accurate method of determining time; and this method, so far as regards the cyclical year, proceeded on the very principles observed by the framers of the old Mexican computation: portions of time were measured, without regard to the phenomena of the moon, out of very long periods determined with accuracy on astronomical grounds: among the Etruscans

⁴¹⁷ Strabo iii. p. 139. c. Not however that this literature was six thousand years old. Instead of νόμους ἐμμέτρονς ἑξακισχίλιων ἐτῶν, which would not even be Greek, we must read ν. ἐ. ἐ. ἐπῶν. Beside these they had histories and poems.

¹⁸ Festus v. sinistrae aves.

however there was also a civil lunar year, the cyclical serving only as a correction for it.

Their history, like that of the Bramins and Chaldeans, was inserted in an astronomico-theological outline, which included the whole course of time, and taught, that the human race of the present creation has eight secular days assigned to it; each day to a fresh people; and that during the continuance of one people prophecy is to be in honour, during that of another in abasement⁴¹⁹. The Etruscan week was of eight days; and as it is highly probable that each secular day, like that of the Etruscans themselves²⁰, contained ten secles or 1100 years, 8800 years made a secular week. The next unit immediately above the week was the year, of 88 weeks or 804 days. Thus a secular year would number 834400 years; and it may be conjectured that this was the period assumed for the duration of the universe; unless they went on to secular secles. According to their religion, a limit and end was fixed to the life even of the highest gods,²¹ as in the theology of the Scandinavians: such a secular year then was probably the term assigned to the life of the gods, as the natural secle was to the life of man, the secular day to that of nations, the secular week to that of one human race. They taught, as we know historically, that the expiration of each secular day was announced by wonders and signs, intelligible to them²²; so was the close of every natural secle, ten of which, of unequal length, made up a great day: the signs by which each of these epochs had been announced, were recorded in their history. This, Varro says²³, was written

419 Plutarch Sylla c. 7.

20 Varro in Censorinus, 17.

21 Varro in Arnobius quoted by Micali n. p. 46.

22 Plutarch Sylla c. 7. It was in this sense that the comet which appeared after the death of Julius Cæsar was regarded by the aruspex Volcatius as the sign that announced the end of the ninth secle (Servius on Ecl. ix. 47. cited by Voss on Ecl. iv. 5.); although this referred to Rome, not to Etruria.

23 In Censorinus, 17.

in the eighth secle of the nation. A natural secle was measured by the duration of man's longest life: the first secle of a state ended with the death of the longest liver among all the persons born on the day it was founded; the second lasted until none was left of all who were living at the close of the first; and so forth. The first seven secles of the Etruscans amounted to 781 years: but the sum total of the years in the ten variable secles was equal to that in the ten fixed, each of which contained 110.

In the year of the city 666 it was announced by the aruspexes that the secular day of the Etruscan people was drawing to a close⁴²⁴: and if we assume, what must surely be granted, that in doing this they acted in consonance with their writings, then the Etruscan computation of time began 434 years before Rome, the eighth secle in the year 347, and the annals mentioned by Varro were written about the end of the fourth century of the city. The epoch 666 answers with singular exactness to that at which the nation actually ceased to exist: it had been incorporated by the Romans a short time before, and was almost exterminated by Sylla eight years after.

A free expansion of the intellect in poetry and science could never take place among a people whose pride and study lay in divination and ritual worship. It was from them that the Romans had borrowed the most important part of that science which makes use of signs in conjecturing the will of the gods: they alone could see through the meaning of terrific prodigies, and knew how to appease the wrath of the celestial powers. The pure and infallible source of this learning was supposed to be the national property of the Etruscans, ever since the time when it was taught them by Tages; a wise dwarf, who rose out of the ground, such as occurs in the ancient fables of the Germans.

⁴²⁴ Plutarch Sylla c. 7.

By the East the decrees of destiny were read in the stars, by Etruria and Greece in the entrails of victims: in expounding the flight of birds, if the Etruscans did not altogether neglect it, the Sabellians were greater masters. But the peculiar secret of the Etruscans was the interpretation of lightning: this, and all the branches of their aruspicy, were taught in their sacerdotal schools⁴²⁵: they were also laid down however in the sacred books wherein the oral instructions of Tages were recorded.

In the East and in Italy the soothsayer was a tyrant; and the abettor of the ruling powers; he always tried to keep the people in chains. Of this yoke the stirring spirit of the Greeks soon eased itself; although they were willing to believe that the soul is possest of secret faculties by which it is often enabled to catch a glimpse of the future in its forebodings and dreams. By the nobler hero of the Iliad omens are treated with contempt, at the call to defend his country: at Rome the yoke of a degrading superstition, which was abused as an instrument of tyranny by the aristocracy, was not broken, until infidelity was introduced by the Calabrian Greek, Ennius, and became naturalized as morals declined. Such is the concatenation of human affairs, that, as the best of things have something bad growing to them and causing their inward decay, the extirpation of this incidental evil may afford us some consolation, when the ruins of what once was excellent are swept away, with all their pleasing recollections and illusions: there is no ill without some good at its side.

The contents of the ritual books were of a different kind: they resembled the Mosaical in prescribing the laws of the state as the law of the gods; they ordained the course to be observed in founding and building a city, in establishing and consecrating such edifices and places as were to be sacred and inviolable; they settled

⁴²⁵ See above, n. 377.

the constitution of the curies, tribes, and centuries⁴²⁶, and generally all regulations relative to war and peace²⁷. The same too were the laws originally obeyed by the Romans; who relaxed their ties, without casting them aside; and whose anxiety never to abolish them, but to leave the appearance subsisting when the reality had lost its meaning, was a result of their original sanctity. Those books must undoubtedly have been the fundamental text for the main part of the pontifical law: the institutions however in which the preliminary step was to draw the limits of a temple for auguries, such as the law for measuring land and for marking out a camp, were more probably grounded on the religious books of the Sabines.

In the account that remains of the Roman ritual books, they are expressly called Etruscan: but as in the Roman writings which we possess, no distinction is ever made between Tuscan and Etruscan, it is by no means certain that those books were derived from the same people by whom the doctrines of Tages were preserved. The same uncertainty hangs over the Capitoline temple, which is said to bear marks of the Etruscans in the union of its three deities, as well as in its architecture. Indisputably however it was in the language and literature of the Etruscans that Roman youths of rank were instructed so late as about the middle of the fifth century, as they were subsequently in those of the Greeks²⁸: this veneration shifted round afterward into contempt for the old-fashioned lore, and forgetfulness of its existence.

⁴²⁶ Such is the expression of Festus: whatever that writer, who is often mistaken about ancient customs, may have meant by it, these books can only have related to the primitive constitution, in which the centuries were composed of the equestrian houses. This constitution could not be changed: that of Servius Tullius might, like any other, and was so.

²⁷ Festus v. rituales.

²⁸ Livy ix. 36.

Undoubtedly too it was from the genuine Etruscans that the badges of the highest magistracy were adopted by the Roman kings.

Tuscany produces all the necessaries of life in abundance, and the Etruscans were not unwilling to enjoy what nature gave them: their northern custom of sitting down twice a day to well-loaded boards, was matter of surprise and scandal to the Greeks, whose bodies were satisfied with very little nourishment. We have a description by Posidonius of the way of living in Etruria, such as it was before Sylla's war: from the Asiatic luxury of embroidered carpets, silver plate, and trains of beautiful slaves richly clad⁴²⁹, we may see how the country had thriven under the relations in which it stood to Rome: within a few years all this wealth became the booty of soldiers, and the towns with their territories were parcelled out among the legions.

As to what Theopompus says concerning the shameless profligacy of the Etruscans,* we may join the modern Italians in altogether rejecting it: his credulity and his fondness for telling scandalous stories were well known to the ancients. Even if his statement could be partially supported by the fact, that there were some powerful lords, who, secure of impunity, had abandoned themselves to horrible licentiousness, such as became the fashion at Rome under the emperors, still the body of the nation cannot have been liable to the charge. But that associations for orgies such as Theopompus describes—such as have been found in the Society islands—should have existed even among the most corrupt of the nobles, is the more improbable, since, as has been observed by others, no licentious representations are to be found on any Etruscan works of art.

⁴²⁹ Diodorus v. 40. Athenæus iv. 153. d.

* Athenæus xii. p. 517.

Etruria was standing at the summit of its greatness about the end of the third century of Rome. In the next she lost the whole country beyond the Apennines, with Veii, and Capena: a great part of the fifth century was passed in an irresolute struggle, never carried on with warlike perseverance by any state except Vulsinii, against the prevailing star of Rome. After this the nation enjoyed two centuries of inglorious repose: even during the second Punic war her prosperity was so far restored, that Arretium by itself was able to support Scipio's African expedition with arms and corn for a whole army, and with pay for the crew of a fleet: and in this state of ease they felt no desire for the Roman franchise, by which such as shared it were bound to the performance of hard duties. When they had received it however, they displayed no less fortitude than the Marsians and Samnites in maintaining its full honour: but they were hardly treated by fortune; and her injustice was increased by her consigning to oblivion the story of their heroic resistance to Sylla.

THE UMBRIANS.

ACCORDING to the practice of multiplying the forms of the Italian national names, the *Umbri* must also have been called *Umbrici*: this was pronounced *Ombrici* by the Greeks, who made out that it contained an allusion to their great antiquity. The name was to indicate that they had existed even before those rain-floods, by which in many countries, as the Greek sages agreed with others in believing, earlier races of men had been destroyed. This etymological trifling, it is probable, was never meant seriously: it is certain however that the Umbrians were a great nation, before the time of the Etruscans, in that of the Sicelians, and that they have a right to be called a most ancient and genuine people of Italy⁴³⁰. Their city, Ameria, was built according to Cato³¹ 964 years before the war with Perseus, or 381 before Rome. It is certain too that the country they inhabited of old was very extensive; probably not only what retained the name of Umbria, but also, as has been observed already*, the south of Etruria; and, according to distinct Roman traditions, the district occupied by the Sabines between the Apennines and the Tiber. On the north-east slope of the Apennines toward the upper sea and the Po, they are said to have spread as conquerors, to have expelled the Liburnians as well as the Siculians from the coast, and to have maintained

⁴³⁰ Antiquissima gens Italiæ: as the Æquians too are called; by way of contrast to the Etruscans who had immigrated, to the Latins who were a mixed race, to the Samnites and Lucanians who owed their origin to emigration and conquest, and were likewise mixed races, and so on.

³¹ Pliny iii. 19.

* Above p. 113.

an obstinate contest with the Etruscans for the territory on the lower Po.

In history the Umbrians are found restricted to the left bank of the Tiber; with some scattered towns on the coast and near the Po, preserved to them partly, as Ravenna was, by her lagoons, partly by paying tribute to the Gauls. The Ombrica of the Greeks, bordering on the obscure regions at the top of the Adriatic, is of a large and indefinite extent. In Herodotus it reaches to the foot of the Alps: for it is from the country above the Ombricans that the rivers Carpis and Alpis, one of which may very probably be the Inn, flow into the Ister⁴³². Scylax, who contracts its northern boundary, reckons Picenum a part of it³⁵: in the earlier geography of the poets it undoubtedly extended as far as mount Garganus or Drion. For the Diomedean islands lie to the west of that promontory; and certainly Scylax had some poet before him, when he ascribed the worship of Tydides, which the later Greeks fancied they found among the Daunians, to the Ombricans; although, according to the correct chorography of his time, he assigns the coast between the Umbrians and the Apulians to the Sabellians.

For us the name of the Umbrians is a great one that has died away. At the time when their coast was occupied by a detachment of the Gauls, the loss of these rich countries seems to have been attended with that of their independence. Without any defense toward the north, on which side Tuscany is sheltered by the Apennines, Umbria within its contracted limits is in all probability one of those adjacent countries which the Gauls are said to have reduced under their dominion³⁴: it was their military road, so long as they made expeditions into Latium. In the first war of the Umbrian tribes with

⁴³² IV. 49.

³⁵ p. 6. For he places Ancona in Ombrica.

³⁴ Polybius II. 18.

the Romans they were subdued in a single battle: and, though afterward hurried or compelled to take part in the contests of more powerful nations against Rome, they did not hold out long.

The Umbrian nation consisted of separate races⁴³⁵, some of which dwelt in towns³⁶, others in rural cantons³⁷. The Camertes embraced the friendship of the Romans, before the latter crossed the Umbrian borders, and they preserved it: the Sarsinates are even mentioned as a distinct people by Polybius along with the Umbrians³⁸; and fighting singly against Rome they supplied her with occasion for two triumphs.

In order to treat with the Umbrians, the Romans in the fifth century employed an envoy acquainted with the Etruscan tongue³⁹: yet on the Iguvine tables the language which passes, and probably with good reason, for Umbrian, is totally different from the Etruscan. To us it is unintelligible, although it contains a number of words which, if not Latin, seem cognate to Latin; and if the conjecture I shall communicate further on as to the stock of the Umbrians is well founded, it could not fail to contain such. The purity with which the Sarsinate poet, Plautus, wrote Latin seems also to suggest that the language of his countrymen, like the Oscan spoken by Nævius, bore an affinity to the Latin.

The characters on the coins are Etruscan; on the Iguvine tables Latin.

⁴³⁵ Livy xxviii. 45. Umbriæ populi.

³⁷ Livy xxxi. 2. Tribus.

³⁹ Livy ix. 36.

³⁶ Livy ix. 41. Plaga.

³⁸ Polybius ii. 24.

IAPYGIA.

IAPYGIA embraced the south-east of Italy; according to the more ancient writers, from Metapontum, or, including that city, from the Siris⁴⁴⁰, to mount Garganus, or, as the Greeks call it, mount Drion; immediately beyond which it is probable that Ombrica was placed by their early geographers. By Polybius the Iapygian and Messapian troops are still classed under one head. That such an extent was ascribed to Apulia by the Romans, we do not find: else it certainly seems evident that Iapyx and Apulus are the same name⁴¹.

This extensive country is said by the Greeks to have been inhabited by three distinct tribes, the Messapians, the Peucetians, and the Daunians: the first on the peninsula to the east of Tarentum; the Peucetians to the north of them, along the coast from Brundusium to Barium; and, between this and mount Garganus, the Daunians. The first about the beginning of the fourth century were at enmity with the Tarentines, while the two latter tribes were their allies. The Messapians however are divided,

⁴⁴⁰ Scylax p. 5.

⁴¹ The Latin termination *icus* is contracted into *iω* in Oscan: thus *Apicus*, the same with *Apulus*, becomes *Apix*. No good Roman writer will ever say *Iapygia* instead of *Apulia*: nor any good Greek writer the reverse. Diodorus, who is no less careless in his use of words than in other respects, speaks of 'Απουλία, xix. 10, in relating the history of Rome for that year, where he may have had Fabius before him: but it is remarkable that he should commit the same offense against the Greek usage in the history of the younger Dionysius, xvi. 5. Are we justifiable in supposing that Timæus wrote so?

at least by Strabo, into two tribes, the Sallentines and the Calabrians: the former he places in Leuternia, on the eastern coast of the Tarentine gulph; the Calabrians to the north of the Iapygian promontory, on the Adriatic⁴⁴². In the *Fasti* even the Messapians and Sallentines are spoken of as distinct tribes, over both of which a triumph was celebrated in the year 487: and the simplest way of explaining this is to suppose that, though the former name was common to the whole nation, it is here used for the Calabrians; as that of Ausonians came to be confined to a single tribe, a part of the whole people. An ancient and important statement, which, though extremely corrupt and disjointed, has been most satisfactorily restored⁴³, informs us that there were five tongues in Iapygia: two of the tribes that spoke them are clear, the Opicans or Apulians, and the Peucetians: two may be recognized after an easy emendation, the Leuternians and Brentesines, corresponding to Strabo's Sallentines and Calabrians: the name of the people to whom the fifth tongue is attributed, the Cramonians, may perhaps be written correctly, and all trace of them may have perished: at all events Scylax, who extends Iapygia so far to the southwest, seems to have meant a people between Heraclea and Tarentum, a remnant of the Chonian Oenotrians.

The Messapians were supposed very generally, singular as the opinion sounds, to have been Cretans. In the

442 VI. p. 277. d. 281. c. d.

43 By James Gronovius, who seldom made so successful a conjecture. It has been shewn above, note 293, that in Scylax, p. 5, *Σαυνῖται* must be read instead of *Δαυνῖται*. But the sentence *ἐν δὲ τούτῳ—Πευκετιεῖς* must also be removed from the place it has been thrust into, where it destroys the sense of the passage by separating *διήκοντες ἀπὸ τοῦ Τυρρῶ. πελ. ε. τ. Ἀδρ.* from the mention of the Samnites; and it must be inserted in the former section about Iapygia, after *ἡ νυκτῶν*, and before *ἐν δὲ τῇ Ἰαπ.* Still *γλῶσσαι* is a very strange word here, and yet more so the synonym *στόματα*.

earlier tradition their ancestors were Eteocretans, cast on this shore in the time of Minos, after the unfortunate expedition to Sicania: whether they had sailed thither with their king⁴⁴; or, as another tradition related, he had gone alone in quest of Dædalus and had perished, and they had set out in the vain intention of avenging his death on Cocalus⁴⁵: according to other legends, they had been making an unavailing search after Glaucus⁴⁶: or they were a band composed of Cretans and the offspring of the Athenian youths delivered up as an expiatory offering to Minos⁴⁷: or lastly, in a story which perhaps was confined to the Alexandrian poets, they were the adherents of Idomeneus, led by him, and joined by some Locrians and Illyrians⁴⁸. The last account makes express mention of the Sallentines: and to these, excluding the Calabrians and their capital Brundusium, do I also refer the statement of Herodotus, that Hyria was the original city of the Mesapians, from which their other settlements proceeded. Varro says of the Sallentines, that the nation was divided into three parts and twelve cities⁴⁹: *parts* here must mean tribes⁵⁰. His etymology for the name of the Sallentines is after his fashion and ridiculous: the word clearly comes from a town Sallentum, which in Greek must have been called

⁴⁴ Strabo vi. p. 279. a. 282. b.

⁴⁵ Herodot. vii. 170.

⁴⁶ Athenæus xii. p. 522. f.

⁴⁷ Strabo vi. p. 282. b. Plutarch quæst. Græc. 35, and Theseus c. 16.

⁴⁸ Varro fragm. l. iii. Antiq. rer. hum. p. 205: and Festus v. Sallentini, who has evidently copied from Varro. Compare Æn. iii. 400.

⁴⁹ Strabo too reckons thirteen cities in Iapygia, including Brundisium in the number (vi. p. 281. a.): instead of πλὴν Τάραντος I read πλὴν Ὑδρουντος: Tarentum cannot be right, since he is writing of the country which lies beyond it: ἡ δὲ ἐξῆς τῶν Ἰαπύγων χώρα κ.τ.λ.

⁵⁰ As the Greeks use ἔθνος instead of φρατρία, and indeed expressly instead of φυλή: Pollux viii. 111. Τρία ἦν ἔθνη πάλαι (at Athens), ἐνπατρίδαι, γεωμόροι, δημιουργοί. Thus *gens triplex* at Mantua. Virg. Æn. x. 202.

Sallas or Sallus: and I have no doubt that it existed in ancient times; but it is no less certain than singular, that no mention is anywhere made of it⁴⁵¹. From these Messapians were the Bottiæans on the gulph of Thermæ said to have derived their origin: Strabo's opinion seems to be, that Brundusium too had once been inhabited by Cretans, like the Sallentines, and that this portion had migrated from thence to Macedonia⁵². This migration is one of those which are totally incredible, and which are only meant to indicate the conviction of a national affinity: that the Calabrians however were foreign invaders, by whom the Sallentines were expelled from Brundusium, we may easily believe.

So likewise there may be ground for the tradition, that the earlier inhabitants of Tarentum, on being overpowered by Phalanthus and his Laconians, had retired to Brundusium⁵³. It was from them that what Tarentum acquired was wrested. After two centuries and a half, when the Greek city had already grown very powerful, in 279, it attempted to destroy the towns of the Messapians, and to reduce the people to servitude. This was the war in which Carbina was taken, and such revolting atrocities perpetrated there by the conquerors⁵⁴: the vengeance of heaven by which so many houses in Tarentum are said to have been visited, was that fearful overthrow whereby its power was for a long time broken; the most horrible carnage that befell any Grecian army down to that day⁵⁵. It sounds incredible indeed, that the conquerors, in following at the heels of the flying Rhegians who had fought against them as auxiliaries of the Tarentines, should have forced their

⁴⁵¹ Stephanus indeed has Σαλλεντία: but probably the only ground for this mention of the place was that some one formerly made the same guess as I have done.

⁵² Strabo vi. p. 282. b.

⁵³ Justin iii. 4.

⁵⁴ Athenæus xii. p. 522. c. f.

⁵⁵ Herodotus vii. 170. Diodorus xi. 52.

way into Rhegium: but the Messapians were evidently raised on that day from extreme distress to a greatness they had never expected. Their dominion must now have extended far into Oenotria; since they contended with Tarentum for the possession of the Siritis, which lies so far to the west of it: this must have been after the year 319, if the mention of Heraclea is to be taken literally*. The Peucetians and Daunians were leagued with the Tarentines against them: so that it was by the Messapians that the neighbouring tribes were then filled with jealousy and alarm. By this war their power must have been destroyed again: but they still continued long to be the enemies of the Tarentines: which accounts for a prince of the Messapians being on friendly terms with the Athenians even before the expedition to Sicily⁴⁵⁶. Thenceforward the Greek city continued to rise, and the Messapians were no longer her rivals: indeed after the middle of the fifth century they seem to have put themselves under her protection by an alliance recognizing their inferiority.

Peucetius is called by the earliest Greek genealogers a brother of Oenotrus, and his people a colony led by him out of Arcadia⁵⁷: that is, they adopted the form of a national pedigree, to represent the Peucetians as one of those old Pelasgian tribes, the posterity of the first men, Pelasgus and Aizeus, which were said to have issued from Arcadia. According to Pliny⁵⁸ the Poediculians—such was the Italian name of the Peucetians⁵⁹—were descended from nine Illyrian couples.

In a genealogy by the Pergamene poet Nicander⁶⁰, as to which however we cannot know whether he did not derive it from an earlier and lost catalogue of the Lycaonids, the

* Strabo vi. p. 281. a.

⁴⁵⁶ Thucydides vii. 33.

⁵⁷ See p. 25, n. 54.

⁵⁸ iii. 16.

⁵⁹ The simpler forms, *Pædi* and *Pædici*, do not occur in our books.

⁶⁰ Who, I remark by the way, belongs to the first half of the sixth century of the city, not to the beginning of the next.

two brothers of Peucetius, Iapyx and Daunus, accompany him across the Ionian sea with an army, chiefly of Illyrians⁴⁶¹. Another story, which like every thing of the same kind is from a Greek source, brings Daunus out of Illyria⁶². Now if these views are borrowed from ancient poets and traditions, it is more than probable that they did not speak of Illyrians, but of Liburnians; who, as has been observed, inhabited Picenum on the Italian coast, and Corcyra on the opposite side*.

Further traces of the early settlers in the south-east of Italy are afforded by the names, Argyrrippa and Sipontum: Argos, like Larissa, is undoubtedly a Pelasgic name. The legend of Diomedes having landed there, was current at Arpi, as is proved beyond a doubt by its coins: and although here again no historical inference is to be drawn from such a legend, still in this as in all other cases it is probable, that the places reported to have been Argive settlements founded at the time of the return from Troy, were of Pelasgic origin. The kingdom of Diomedes is said to have reached to Maluentum, where the head of the Calydonian boar was still shewn in the days of Procopius†; and Maluentum derived its name from Greeks or Pelasgians⁶³. No Hellenic people, so far as we know, approached nearer to the Pelasgians than the Ætolians did: and the relics of the boar, the mention of Diomedes as an Ætolian prince⁶⁴, are merely signs of an Ætolian colony.

But we can by no means conclude from this, that the Opicans, who are said to have preceded the Sabellians as masters of the country about Beneventum, were these Pelasgians: they were only the earlier conquerors. The Daunians however, like the Tyrrhenians and Oenotrians,

⁴⁶¹ Antoninus Liberalis fab. 31.

⁶² Fest. Epit. v. Daunia.

* Above, pp. 49, 50.

† De Bello Gothico i. 15. p. 349.

⁶³ Note 148.

⁶⁴ This is the more evident, since the legend makes him disappear, and so lays no stress on him individually. Strabo vi. p. 284. a.

I account among the Pelasgians: it is a significant trace in national genealogy to find that the father of Turnus was called Daunus: their name answers to that of Danaans, and thus Ardea is said to have been founded by Danae*. This however belongs to times antecedent to those when the Daunians appear in history as a part of the Apulians, and when, as Strabo observes, no difference in language and habits was discernible between them and the genuine Apulians⁴⁶⁵. These genuine Apulians of Strabo dwelt to the west of mount Garganus around the bay, in front of which lie the Diomedean islands⁶⁶. They are the Teanian Apulians of Pliny⁶⁷, who speaks of three distinct tribes of Apulians, the Teanians, the Daunians⁶⁸, and the Lucanians. These last were probably Sabellians who had occupied some towns in Apulia; either Lucanians, or Samnites; to whom Luceria belonged there: for the name of Lucanians may have been a general one for the plantations of the Samnites. Unless some boldness of divination be allowable, all researches into the early history of nations must be abandoned: if I am permitted to use it, liable though it be to grievous abuse, I will propose the conjecture, that the original Apulians were Opicans by name and descent, who subjugated the Daunians; and that the legends about Diomedes, and whatever bore a Greek character in the arts and manners of the country, continued to subsist under their government, as similar relics did at Falerii and Cære. Assuming a circumstance we find related to be correct, we can hardly avoid supposing that the Peucetians also had a mixture of Oscan blood: for the names of the two Peucetians who

* Note 126.

⁴⁶⁵ Strabo vi. p. 285. c.

⁶⁶ Strabo vi. p. 285. c. and p. 283. c.

⁶⁷ For here stood Teanum Apulum.

⁶⁸ Pliny iii. 16. Amnis Cerbalus Dauniorum finis: (if so, mount Garganus would have been situate wholly out of Daunia) Ita Apulorum genera tria: Teani—Lucani—Dauniorum præter supradicta &c.

designed to poison Cleonymus, Gaius and Paulus⁴⁶⁹, are completely Latin.

The Peucetians were divided into thirteen tribes⁷⁰. They were governed by a king so late as the beginning of the Peloponnesian war⁷¹. Afterward history is entirely silent concerning them, until about 458, Ol. 120. 4; when Agathocles entered into a league with them and with the Iapygians, and promoted their piracies on the Adriatic⁷². So that at that time they were independent of Rome. Nevertheless the Roman armies had already entered the land of the Sallentines: they had done so with hostile purposes in 447; and in 452 to give protection against Cleonymus: in neither expedition, any more than in the war against Pyrrhus, or afterward when the Messapians and Sallentines were subdued, is the name of the Poediculians mentioned; although the Roman generals must needs have marched through their country.

Daunia too was under a kingly government, when it joined Tarentum in the war against the Messapians. By the Romans it was found divided under the sovereignty of a few great cities: and the discord amongst these affords us an explanation for the otherwise incomprehensible accounts of the relations between what is represented as the whole nation and the Romans. Its most powerful city was Arpi, which must have possessed a considerable territory; since the district of Sipontum was forfeited to Rome as being public land of Arpi⁷³ on account of the insurrection in the second Punic war. But Canusium also had been great; and her greatness was still attested by her walls, as that of Arpi was by hers, in the time of Strabo.

469 See the treatise *περὶ θαυμ. ἀκουσμ.* p. 100. a. That these two names should occur together, would be a very singular hit of chance. Sylburgius observes that in the old translation the name of Paulus is wanting: was it struck out by a theologian? or has it been substituted by a lawyer from conjecture for a different one?

70 Pliny III. 16.

71 Strabo VI. p. 281. a.

72 Diodorus Exc. XXI. 4.

73 Livy XXXIV. 45.

The inscription which has been published as Messapian, is nothing but an old Greek one⁴⁷⁴, carelessly copied by a person totally ignorant of the language. That on all the coins throughout Iapygia is Greek: which was also spoken by the nation, the language of its ancestors having given way for the most part, as it did in Sicily, to the nobler one. The Canusines, like the Bruttians, spoke Greek, together with the old dialect of the country⁷⁵. The Apulian works of art, like all in this part of Italy, have a Greek, yet a peculiar character: the earthen vessels are of a meaner sort both as to their shape and their paintings: works in bronze have been found of extraordinary beauty.

⁴⁷⁴ Lanzi, who gives it II. p. 620, has remarked this.

⁷⁵ Horace, Sat. I. 10. 30.

THE GREEKS IN ITALY.

As Idomeneus and Diomedes were brought by one class of legends to Italy, so were Philoctetes, Epeus, and some of the descendants of Neleus, with Greek warriors and Trojan captives, by others, which appropriated and devised applications for a variety of relics and monuments. But from none of these pretended settlements did any Grecian people arise; these Greeks must have been metamorphosed and have vanished, like the companions of Diomedes⁴⁷⁶.

The most ancient Greek settlement in Italy of which history takes note, is that of the Chalcidians at Cuma; originally planted on Ischia and the adjacent small islands⁷⁷. By the Alexandrian chronologers it was assigned to times of vast antiquity; but assuredly this was merely owing to their connecting its founders with the heroic genealogies. For where they were without any determinate accounts, like those as to the time when the Greek cities in Sicily were founded, they had recourse to computing by generations, which pushed the earliest epochs a great deal too far back. With regard to Cuma they did not find any era; for it had long ceased to be a Greek city: and when this led them to calculate the date of its foundation from the genealogies, it came out, contrary to all credibility, long anterior to the founding of the earliest among the colonies less remote from Greece. That the leaders of the emigrants who settled there, bent their course over unexplored

⁴⁷⁶ Quotations, which to have any value should be extremely numerous, seem to me out of place in this section, with a very few exceptions.

⁷⁷ Thus Livy (viii. 22) evidently made a distinction between the Pithecusæ and Ænaria.

waters, is intimated by the legend that their ships were preceded and guided in the daytime by a dove, and at night by the chime of the mystic bronze: but even from the eastern coast of Sicily, the first settlement on Ischia would have been a bold adventure. The remote age attributed to Cuma is certainly a fiction; but the epoch of its foundation we have no means of determining.

Dicæarchia, on the hill above Pozzuoli, was a fortified seaport of the Cumans: if the Samians settled there in the first years of king Darius⁴⁷⁸, they must have found the spot already inhabited; but they might be very welcome to the Cumans under the pressure of the Tyrrhenian war. Parthenope too was founded here by colonists from Cuma.

A body of Eretrians established themselves on the islands of Pithecusæ which the Cumans had abandoned; and from them came the settlers at Neapolis; its name shews it was a far more recent city than Parthenope; which was afterward called Palæopolis. If the Athenians did actually take a share in the founding of Neapolis, we might have probable grounds for dating it about the time of the settlement at Thurium⁷⁹.

Rhegium was planted by the Cumans in common with the Chalcidian colonies in Sicily, for the sake of commanding the Faro. It was from thence that Micythus proceeded to found the latest of the Chalcidian towns, Pyxus, in the territory of Sybaris, which as then was without a master.

⁴⁷⁸ In Ol. 64. 4: according to the chronicle of Eusebius. Perhaps it was somewhat later, after the death of Polycrates.

⁷⁹ Their doing so however (Strabo v. 246. a.) seems to be very uncertain. Tzetzes (on Lycophron v. 732) quotes a story from Timæus, that Diotimus, the captain of an Athenian ship at the time of the Sicilian expedition, (Ol. 91.) offered sacrifice at Neapolis to the Siren Parthenope by command of an oracle, and established a torchrace there: this event may perhaps in some way have furnished occasion for the above-mentioned improbable statement.

Of the Greek cities in Oenotria the oldest was Locri; at least according to the tradition that the first settlers at Syracuse and Locri aided each other⁴⁸⁰, if Syracuse was really founded thirty years before Croton⁸¹: so was it according to the indigenous story by which the arrival of the founders was dated just after the first Messenian war, Ol. 14. 1. That is, it was related that the Locrians, the descendants of those who followed their impious chief, Ajax, had continued twenty years in the field against Messene as allies of the Spartans, and that when the boys they had left behind grew up, they joined their fathers: meanwhile the wives and daughters had been living in an unrestrained intimacy with their servants. And when at length the men returned victorious to their homes, the women under the consciousness of guilt fled from their wrath across the sea with their paramours⁸². Though sprung from an origin so ignominious, that the malice of Timæus was raised even to frenzy by Aristotle's simple account of the tradition, the Italian Locrians by means of their lawgiver Zaleucus rose to great respectability; and to such prosperity and power, as to found Hipponium and Medma on the other coast; so that they were masters of the whole country between the two seas, as far as the borders of Rhegium.

The story about the origin of the founders of Locri, and of the colony which Phalanthus is said to have settled at Tarentum in Ol. 18. 1, as well as that about the followers of Theras, induce us to suspect, that the sons of marriages

⁴⁸⁰ Strabo vi. p. 259. b. 270. a.

⁸¹ Which is contrary to the legend (Strabo vi. p. 269. c.) that the god gave Archias and Myscellus their choice between health and riches.

⁸² That such was the story, has just been established by the Excerpta from Polybius xii. Tit. de sententiis p. 383. foll. ed. Maii. Now at last we clearly see the meaning of those words in Dionysius Periegetes, v. 366: σφετέρης μιχθέντες ἀνάσσεις. Eustathius in his commentary does not tell us what war it was.

contracted where no right of intermarriage existed between the parties, were at that time disturbing the peace of several of the aristocratical republics, and that measures were taken to send them to a distance. No reflecting person will believe any one of these stories in the literal sense⁴⁸³: it would be equally inconsiderate to reject them as utterly groundless fabrications.

Tarentum possessed the same rights at Heraclea, which a mother city would possess in its colonies, and she had at least an equal share with Thurii in the joint settlement: in Messapia Callipolis was probably connected with her; and so was Hydrus, if it was really a Hellenic town*.

The Achæan cities, Sybaris and Croton, are said to have been built together, in Ol. 19. 2⁸⁴. The former was mistress of the country afterward called Lucania, and founded Posidonia and Laos: the latter, possessing the north of Bruttium, founded Caulon on the south toward Locri, and Terina on the western coast. Another body of Achæans, being invited by the Sybarites, built Metapontum; which by the industrious cultivation of its luxuriantly fertile territory attained to extraordinary wealth: these three great Achæan cities, and probably their four

⁴⁸³ Aristotle assuredly was far from doing this: nor was Timæus wrong in refusing to believe the fact; but what he substituted for it was a scandalous forgery, with regard to which he cannot have been free from guilt. An antiquarian indeed, like him, is more likely than others to have valuable insulated pieces of information: such a piece—though subject to limitations, as we learn from the *Odyssee*—in his remark that in ancient times there were no slaves bought for money among the Greeks. (*Athenæus* vi. p. 264. c.). Aristotle would have granted him this, but have answered that the persons meant in his Locrian tradition were not domestic slaves, but peasants in a state of bondage.

* *Scylax* p. 5.

⁸⁴ According to Eusebius. But with regard to all these dates there are contradictory statements, and we have rather to choose than to decide between them.

colonies, were long united in a league similar to the one which existed among the Achæans*.

Elea was built by the Phocæans who were flying from Cyrus, when Sybaris was at the highth of her power, on a coast where they could not possibly have settled without the leave of the Sybarites. Elea is remarkable, not for any wars, but for its profound thinkers, and for the peculiar good fortune which protected it when the other Greek cities on this coast fell under the power of the Lucanians. It was the only one that held out between Neapolis and Rhegium: the Romans respected it; and the last mention we find of it is a pleasing one, as the birthplace of the ingenious Statius. Another earlier body of fugitives from Ionia, the Colophonians of Siris, seem to have lived in prosperity while under the protection of Sybaris, and to have been destroyed after the fall of their protectress.

The latest Greek colony on this coast was Thurii, a common settlement of the whole Greek nation, and a city which, though it did not come up to what Sybaris had been, attained to great eminence and power. A couple of generations afterward Ancona was founded further up the Adriatic, either by some Syracusans flying from their tyrants, or by those tyrants themselves; who planted Greek colonies at Issa and Adria, and perhaps at Pisaurum.

The colonists sent out from Greece did not go forth, like the first New-Englanders, with their wives and children, for the sake of dwelling in freedom amid forests which they had to clear before them: they were mostly unmarried freebooters, who won themselves wives with their swords⁴⁸⁵: so that their posterity were a mixed race, like the descendants of the crusaders in Palestine and Cyprus, and those of the Spanish conquerors in America. Afterward needy Greeks came flocking to countries where an abundance of fertile ground was to be obtained; and

* Polybius II. 39.

⁴⁸⁵ Herod. I. 146.

they were gladly admitted; but assuredly not to an equality of rights. They received allotments of land, but were forced to content themselves with what lay at a distance: if these new citizens were distributed into tribes, their franchise was certainly an inferior one: the pretensions set up by the Sybarites at Thurii*, which were so absurd under their circumstances, teach us how their forefathers, who had the power in their hands, must have dealt with the citizens they received. The constitution of the Greek cities in Italy as in Hellas was at first aristocratical: and I think its form may be divined. The descendants of the *conquistadores* being divided, perhaps into three tribes, were alone eligible to any magistracy: the remaining Greek citizens were incorporated into other tribes, and shared the right of electing to offices, but without being eligible themselves: in the city there were a great number of foreign settlers, who were admitted either partially or fully to the privileges of citizens†: the peasantry were serfs. That there was a connexion between this aristocracy and the Pythagorean religion is unquestionable, though its nature is mysterious: the three hundred Pythagoreans at Croton may be conjectured to have been the senate: the revolutions that broke out in all these cities at the same time, were like those in Germany, between the middle of the thirteenth and that of the fourteenth century, which spread from town to town, and by which the government was transferred from the ancient houses to the guilds; the cause which led to them being the attempt to retain all the old institutions unchanged, after they had lost their life and substance. But the revolutions among the Italian Greeks were savage and full of horrors and atrocities. Sybaris seems to have become a democracy a short time before its fall. The destruction of this extraordinary city, which has incurred opprobrium probably unmerited, and at all events

* Diodorus xii. 11.

† Ἰσοτέλει and Ἰσοπόλιται.

exaggerated, was the first irremediable wound of Magna Græcia. It was followed by the bloody revolutions in which Croton wore itself out: the Lucanians made their appearance and spread over Oenotria. But from the day when the elder Dionysius entered Italy as a conqueror thirsting for vengeance, calamities and miseries came upon the Italiots without measure, or end, or pause: from that time forth, to use the expression of a Greek historian, the unfortunate towns of Magna Græcia were tossed to and fro by a current from the hands of the Lucanians or Bruttians into those of the Syracusan tyrants, to be laid waste by the former, or to suffer the ruinous protection of the latter. Which of these cities were still subsisting, and what was their condition, when the Romans, coming in the character of protectors, began to meddle in the affairs of these countries, I shall relate when I reach that part of my history. In this general survey of ancient Italy, it seemed to me that a view of their origin ought to be given, and that a few remarks on their peculiar character would not be misplaced: else their story is partly an independent one, in part belongs to the general history of the Greek nation.

These Greeks, at least in some of the cities, learnt various things from the native Italians, who were admitted to their franchise or who dwelt amongst them; such as their system of weights and of mensuration⁴⁸⁶, many words of their languages, and even some forms of their versification and poetry. They on the other hand diffused their arts and their literature in the peninsula, far beyond the countries in their immediate neighbourhood: by the Opicans the use of their language was adopted even for civil purposes.

⁴⁸⁶ This was perceived by Mazocchi from the Heracleian tables. But from the manner of assigning the territory of Thurii (Diodorus xii. 11.) we might conclude that the whole principle of the Italian agrarian law had been adopted: indeed it looks very much as if the ferment at Croton had arisen from the patricians taking possession of the Sybarite territory for themselves, without allotting any part to the commonalty.

THE LIGURIANS AND VENETIANS.

I UNITE these two nations under one head, not to intimate any affinity between them, but because both were alike unconnected, so far at least as we know, with the history of Italy, until the later times of the Roman republic, and, though they dwelt to the south of the Alps, did so only as branches of nations widely diffused beyond the borders of Italy; in very early times too they seem to have touched in the plain of the Po.

The Ligurians are one of those nations which the short span of our history embraces only in their decline. When Philistus said the Sicelians were Ligurians, who had been driven southward by the Umbrians and Pelasgians⁴⁸⁷, he was not only blind to the identity of the Siculians with the Tyrrhenian Pelasgians, but was no doubt equally mistaken as to the extraction of the Ligurians: but his mistake arose only from the very common source of confounding two irruptions experienced by the same country at different times; as the nations that have inhabited Dacia in succession, the Getes and Goths, the Huns and Hungarians, are taken one for the other; and in obscure traditions the same people is represented at one moment as invading, the next as driven out. During his banishment, which he spent in the countries on the Adriatic, Philistus may have learnt among the Umbrians themselves, out of their ancient books, that their forefathers and the Siculians had expelled the

⁴⁸⁷ Dionysius i. 22.

Ligurians out of Tuscany; nor should his having misunderstood what he heard make us treat it with contempt. Now on this ground we may build still further; and looking at Livy's account of the Gauls settling on the Po, notwithstanding the indistinctness of his conceptions, and the incurable corruptions in the text⁴⁸⁸, we may discern thus much: that the Libuans, a Ligurian people, were once dwelling near the lake of Garda, and that the Salvians, whom we know of in the neighbourhood of Massilia, were likewise dwelling to the north of the Po: whether we suppose they were still living there as subjects of the Etruscans, when the Gauls made their appearance; or that here again a people which had long since retired before the Etruscans, had transferred their name to their conquerors. The whole of Piedmont in its present extent was inhabited by the Ligurians: Pavia, under the name of Ticinum, was founded by a Ligurian tribe, the Lævians⁸⁹. When they pushed forward their frontier among the Apennines into the Casentino⁹⁰ on the decline of the Etruscans, they probably only recovered what had before been wrested from them. Among the inhabitants of Corsica there were Ligurians⁹¹.

Only half of Ligystica was reckoned to be in Italy. The Sicanians, according to a Greek tradition about their origin, were an Iberian people, who had been driven by the Ligurians from a river called Sicanus⁹². At all events the Ligurians and Iberians were anciently contiguous; whereas in aftertimes they were parted by the Gauls. We are told by Scylax, that from the borders of Iberia,

⁴⁸⁸ v. 35: see the commentators.

⁸⁹ Pliny III. 21.

⁹⁰ Polybius II. 16.

⁹¹ Seneca Consol. ad Helviam, 8. Fragm. Sallust. Histor. II. p. 958. ed. Cort.

⁹² Thucydides VI. 2. Philistus in Diodorus V. 6. Servius, on *Æn.* VIII. 328, says some take it for the Sicoris, a river in Catalonia: this seems to me merely a guess.

that is, from the Pyrenees, to the Rhone the two nations were dwelling intermixed⁴⁹³: and from this very region does Thucydides seem to have supposed that the Sicanians had been driven. But it is far more probable that the Iberians came from the south of the Pyrenees into lower Languedoc, as they did into Aquitaine, and that the Ligurians were driven back by them. When the Celts long after, moving in an opposite direction, reached the shore of the Mediterranean, they too drove the Ligurians close down to the coast, and dwelt as the ruling people amongst them in the country about Avignon, as is implied by the name Celto-Ligurians⁹⁴. Which of the tribes among the lower Alps were Ligurians, and whether the Vocontians were so, I have no means of determining. But from these traces it seems to be extremely probable, that this people was dwelling of yore from the Pyrenees to the Tiber, with the Cevennes and the Helvetian Alps for its northern boundary.

Of their place in the family of nations we are ignorant: we only know that they were neither Iberians nor Celts. Dionysius says, their extraction was unknown⁹⁵. Cato seems to have made inquiries amongst them, but to have heard nothing beyond stories that were evidently groundless and clumsily fabricated: hence he stigmatized them as illiterate, lying, and deceitful⁹⁶. And illiterate a people probably was, which had to eke out life at the cost of such hard toil, and could not so much as till its stony ground with the plough. The rest of Cato's rancorous opinion is in no respect confirmed by other ancient writers: on the contrary they speak highly of the industry, the indefatigable patience, and the contentedness of the Ligurians, no less than of their boldness

⁴⁹³ Scylax, p. 2.

⁹⁴ Strabo iv. p. 203. a. Instead of *Λογερίωνος* we must read *Λογερίωνος*.

⁹⁵ i. 10.

⁹⁶ Fragm. Orig. ii. in Servius on *Æn.* xi. 701. 715.

and dexterity⁴⁹⁷. When Cato wrote, the Romans had only just completed the task of subduing them, which, though the contest was seldom carried on except by one tribe at a time, had taken forty years: during this war the inroads of the Ligurians, like those of their enemies, had been very desolating and cruel; and he was probably misled by the exasperation thus produced into pronouncing a sentence so contrary to justice.

At the time when the Ligurians were subjugated or exterminated, tribe after tribe, or carried away from their mountains to be settled in far distant plains, the Venetians were as rich as the former were poor, as unwarlike as the Ligurians were brave. They had resigned themselves to the protection of Rome without a struggle; and they appear as her subjects in the Cisalpine war, without our finding any account how they became so. They had been led to wish for foreign protection by the incursions of the Gauls. Their abodes were in a small part of that region which was afterward called Venetia, in the plain and on the hills, scarcely reaching to the foot of the Alps, between the Cisalpine Gauls and the formidable Tauriscans of Noricum*. The commercial and trading spirit of Venice is her inheritance from her parent city, Patavium: which having been founded, according to tradition, long before Rome by some Trojan emigrants, escaped uninjured amid all the wars and disorders of Italy, attained to extraordinary wealth, and in the age of Tiberius was the first city of Italy next to Rome.

That tradition about Antenor had become nationalized among the Patavines: at least the account which is

⁴⁹⁷ Cicero against Rull. ii. 35. Virgil Georg. ii. 167. Diodorus iv. 20. v. 39. From the last but one of these passages it appears that they engaged themselves for hire as free day-labourers in husbandry. Such freemen who till the ground themselves, were called by the Athenians *ἀντροργοί*. Thucydides i. 141.

* Polybius ii. 15. 30.

connected with it, of the war waged before the founding of the city with the Euganeans and their king Velesus⁴⁹⁸, must be homesprung: else it is manifestly of Greek origin, being derived from the cyclic poets, who told of Antenor's treachery and indemnity, and from the name of the Hene-tians in Paphlagonia. Many stories, says Polybius, are related of the Venetians, by the tragic poets⁹⁹. The country about the Eridanus, the remotest shores of the Adriatic, were renowned in poetical story: this part of that sea, being inaccessible on account of the Liburnian pirates, was considered even by the later Greeks as very distant and vast. Scylax, who enormously exaggerates the extent of the Adriatic, puts the Venetians on its eastern shore, about the mouth of the Eridanus; placing that mouth beyond the innermost recess of the gulf, the coast of which, he says, was inhabited by the Celts⁵⁰⁰. But although these regions were very rarely visited by the Greeks, still the opinion of Herodotus, that the Enetians were an Illyrian race¹, well deserves to be weighed: and there is a statement quite independent of it, which names an Illyrian king Ænetus as their prince².

A difficulty indeed seems to be raised by our finding that Polybius, who remarks that the Venetians differed but little in customs and dress from the Celts, though he tells us their language was not Celtic, does not say it was Illyrian: and yet his ear would undoubtedly have been perfectly able to distinguish the Illyrian tongue. This however leads us to conjecture, that the name of Illyrians was erroneously applied to them, and that they may have been Liburnians: such an inaccuracy would be a very slight one for Herodotus. They were only separated from the Liburnians in Dalmatia by the Istrians, before Noricum was conquered by the Gauls; and Noricum it is

498 Servius on *Æn.* i. 243.

500 Scylax, p. 6.

2 In Servius on *Æn.* i. 243.

99 ii. 17.

1 i. 196.

evident had previously been inhabited by Liburnian tribes. For the Vindelicians were Liburnians⁵⁰³: and Strabo makes a distinction between them and the Breunians and Genau-nians, whom he calls Illyrians⁴. Virgil's words too⁵ seem distinctly to term the Venetians Liburnians: for *the innermost realm of the Liburnians* must surely be the goal at which Antenor is said to have arrived.

Now the affinity between the name of the Ligurians and the Liburnians is so close, that, although I have not intended to establish any connexion between the two nations treated of in this section, it might seduce one to make the attempt. I call to mind that the Sigynnæ were the only people on the banks of the Ister, beyond the Venetians and Liburnians, whom Herodotus could hear of,—which information probably came from Venetian or Liburnian mariners,—and that he knew this was the name for merchants in Ligurian⁶: what if those mariners meant to say that they were acquainted with none but merchants from those parts? and what if Herodotus designed to intimate this? But I fly from the rocks of the Sirens.

In an inscription, which is taken for Venetian, the character is an artificial variety of the Etruscan,

⁵⁰³ Servius on *Æn.* i. 243.

⁴ iv. p. 206. b.

⁵ *Æn.* i. 243. foll.—Antenor potuit—Illyricos penetrare sinus atque intima tutus Regna Liburnorum.

⁶ v. 9.

THE THREE ISLANDS.

IN Corsica beside the Ligurians we find Iberians⁵⁰⁷: the Sicanians too in Sicily, who were driven back by the Sicelians into the west and south of the island, are termed Iberians by every historian⁸. The only dispute was as to their original home. They themselves asserted that they were an aboriginal native race⁹: and Timæus who sided with them, was deemed by Diodorus¹⁰ to have proved the point incontrovertibly. Thucydides on the other hand assures us it was certain, that they had been expelled by the Ligurians from Iberia: and Philistus concurred with him. The positiveness with which Thucydides pronounces, "this is ascertained as truth," in the mouth of such a man, gives great weight to the traditions of western Europe: it can only have been those of Liguria or Hispania, that he admitted as decisive. But he too might be misled by the above-mentioned prejudice about national affinities; and surely, where the supposed colony is without any similar tradition, the opinion of the people that claim to have given birth to it, can scarcely be taken as evidence: vanity in such matters is very apt to give a bias.

⁵⁰⁷ Seneca ad Helviam c. 8.

⁸ Ephorus too wrote that the first inhabitants of Sicily were Iberians. Strabo vi. p. 270. b. Were not these statements so perfectly trustworthy, it would be difficult even for such as are cautious in drawing inferences from the names of nations, not to count it clear that the name of the Sicanians is one and the same with that of the Siculians, just as the same people were called both *Æquani* and *Æquuli*; and that consequently they were of the same race.

⁹ VI. 2.

¹⁰ V. 6.

On the other hand there is no doubt as to the Sicelians, that they themselves related they were sprung from the Oenotrians, and had emigrated from Italy. There were also some Morgetes in the island⁵¹¹; but the more important kindred people is the only one spoken of in history.

That the Elymians were Trojans, was deemed indubitable; only there was a tradition by which some Phocians were mixed up with their progenitors. Hellanicus alone brought them from Italy¹².

By the intercourse of the natives with the Sicilian Greeks, and by whole communities being forcibly transplanted, the Greek language became so generally known and so current in Sicily, that the barbarian tribes entirely forgot their hereditary tongues, and the whole island grew into a Greek country, as it continued until late in the middle ages.

In like manner the planting of colonies made Sardinia a Punic country, in the parts under the dominion of the Carthaginians: after it had been 180 years under the Romans, this character was still unaltered, and the civilized Sardinians were considered as Pœni¹³. The genuine Sardis, who dwelt in caves and clothed themselves in skins, maintained their footing in the highlands, living in perpetual feuds with the inhabitants of the cultivated regions. Of these there were three tribes, the Iolaans or Ilrians, the Balarians, and the Corsicans. The name of the first in the one form gave the Greeks occasion to invent a story of Iolaus bringing his kinsmen the Thespiads thither; in the other, to seek here again for a Trojan colony: the former of these fables was promoted by the Punic colony revering Sardus, a son of the Tyrian Hercules, as its founder, and by Iolaus being connected with Hercules in the Carthaginian mythology*. The other two names point to the Balearic isles and to Corsica: and beside this mark of an

⁵¹¹ Strabo vi. p. 270. b.

¹³ Cicero pro Scauro 42. Peyr.

¹² Dionysius i. 22.

* Polybius vii. 9.

Iberian population, either pure or mixed, there was a tradition, among those relating to very ancient times, of an Iberian colony at Nora⁵¹⁴. This race may possibly have become extinct in Sardinia: that it should never have settled on an island which was encircled by the Baleares, Corsica, and Sicania, is incredible. The Iolaans, we are told by Pausanias, resembled the Libyans.

The tale of a Greek settlement under Aristæus¹⁵ is again an indication of Pelasgians; since it was in Arcadia that this son of Cyrene ruled¹⁶: those Tyrrhenians too¹⁷, who are said to have inhabited Sardinia before the Iolaans, were Pelasgians.

I am told that there are Cyclopiæan walls of a peculiar structure on this island, which undoubtedly can neither be ascribed to the Carthaginians nor to the Iolaans. Hence we must suppose there is something more than mere fiction in the story that, toward the end of the fifth century of the city, Sardinia contained the ruins of large buildings and vaults, which the Greeks called the works of Iolaus and his companions, the Thespiæan Heraclids¹⁸.

514 Solinus 13: Diod. iv. 29: and Pausanias Phocic. c. xvii: in a prolix digression about the various settlements in Sardinia; it is the classical passage for these traditions. His authority was certainly Timæus; who was also that of Diodorus, of the book *De Mirabilibus*, and even of Sallust: the last was led to describe this island by the war of Lepidus: he in his turn is followed by Solinus. It is an instance of the vicissitudes books are subjected to by changes of fashion and taste, that Timæus, who in the time of Cicero was still generally read, was confined to the studies of the learned, when Pausanias wrote; so that Pausanias could seek in him, as in the most forgotten Attids, for unknown narratives to embellish his work with. What Isidorus xv. 6. c. 1178. d—f. and Solinus say of Sardinia, with the passage on Corsica which follows in the former, is now properly inserted among the fragments of Sallust.


¹⁵ Pausanias, as above. Diodorus iv. 82. Auct. de Mirabilib. p. 105. b. Sallust in Servius on Georg. i. 13. All these however do but repeat the account of Timæus.

¹⁶ The most important passages are collected in Bochart Geogr. Sacr. ed 1692. c. 573. d. foll.

¹⁷ Strabo v. p. 225. a.

¹⁸ Auctor de Mirabilib. p. 105. b. Diodorus iv. 30.

If the dialect of the Sardinian mountaineers were known, and did really possess any roots of a peculiar character, it might possibly throw light on the question whether they are connected with the Iberians or with the Libyans. The specimens of the language spoken in the civilized districts exhibit peculiarities which are more than varieties of dialect: they indicate a Romance language of a distinct kind; but nothing more.



CONCLUSION.

No one can mount up to the fountain-head of those streams by which the tribes of the present human race have been borne down: still less can any eye pierce across the chasm, which there severs that order of things wherein we and our history are comprised, from an earlier one. That a prior race of mankind has passed away, is a general popular belief; and it was shared and cherished by the Greek philosophers: but in one thing they dissented from the people: it was supposed by Plato and Aristotle that a few had been preserved, like embers, from the general ruin, and that from them a new race of mankind had sprung and spread by degrees over the desolated earth; while by the people the renewal of the life of man was regarded as a new creation, as we see in the Lai of Deucalion, and the Myrmidons of Æacus; and the extinct race were deemed to have been rebels against the heavenly powers, led astray by the consciousness of their enormous strength. Thus the later Jews dreamt of giants before the deluge; thus the Greeks dreamt of the Titans of Phlegra, and of those who perished in the flood of Deucalion or of Ogyges: thus the savages of North America fable of the mammoth, that the world having been laid waste by him invoked the lightnings of heaven, and not in vain, against the reason-gifted monster, the man of the primitive age. Thus Italy in its popular legends had the Campanian giants, who fled into the furthest corner of Messapia, and, being pursued by the inexorable conqueror, hid themselves under the earth;

out of which venomous ichor gushes forth, commingling with the springs, from the never-healing wounds of the thunderbolt. Now far as we are from sharing such a belief, I still cannot forbear regarding the view taken by the people as sounder in one point than that of the philosophers: the latter assume a period which has no beginning, and wherein act follows act; while the people acknowledges the creation of mankind as the beginning of new laws of life: to set which revolution before our eyes, seems to have been the purpose why the organic remains of earlier periods have been buried in the earth. There is no proof that such a creation has occurred only once: it may have taken place, for the different races of mankind, after the earth had been more or less extensively desolated, at widely distant epochs in the course of those many thousand years which have been requisite to form the alluvial land of Egypt, of Babylonia, of Lombardy, and of Louisiana: for God does not grow old, nor weary of creating, of preserving, of remoulding and training.

The uniform notion however was, that the times of the giants were not parted by a gulf from those of the present human race, but that the latter gradually gained the upper hand, while the former expired as gradually. And in fact the supposing that a race of giants must have been the architects of the walls composed of enormous polygonal blocks, in what are called the Cyclopien cities, from Præneste, and even Ardea, to Alba in the land of the Marsians, as well as of the walls of Tiryns which are exactly similar—such an opinion is an expression of the simple understanding; and in like manner the peasants in Friesland fancy they see the works of giants in those colossal altars which occur on the high grounds in greater or less preservation, wherever the Teutonic tribes were formerly settled, and granite boulders are found.

That these walls are not the works of those tribes which our history meets with in Latium, inasmuch as

they are greatly beyond their powers, we are certainly forced to pronounce: but we must content ourselves with confessing that our history does not reach back far enough. For the only difficulty is, that the powers of those tribes were inadequate. The Etruscan walls, and the buildings of the Roman kings, do not yield to those works, or even exceed them in magnitude: the raising and removing the rock-hewn obelisks was a still more gigantic undertaking, one that mocks our mechanical powers still more. The Peruvian walls and roads too are no less vast than the Cyclopiian buildings: but in these cases there is nothing incredible; because we know that many thousands, nay hundreds of thousands, laboured at taskwork, and that the sacrifice of lives was never thought of. Those forgotten tribes in the country of the Cascans and Latins⁵¹⁹, compared with whose architecture that of Rome under the emperors was diminutive, belong to or precede that period in which the Greek historian of the Augustan age, agreeing in principle with the philosophical historians of the last century, conceived that this very country of the Aborigines contained nothing but savages scarcely possessing the faculty of speech, the offspring of the rude young earth. In like manner the vaulted drains of the lake Copais, which are carried for thirty stadia through the solid rock, and the clearing of which surpassed the power of Boeotia in the time of Alexander, are certainly the work of a people prior to the Greeks.

Among the cities of very great antiquity Herculaneum is unquestionably to be ranked. It was built on a bed of tufo,

⁵¹⁹ Our finding that the Tyrrhenian Pelasgians were employed to build a fortress on the Acropolis at Athens, might lead us to conjecture that the nation enjoyed a peculiar celebrity for this kind of architecture. But no inference can be drawn from this with regard to the origin of the walls in Latium; since the people who were allowed to settle at the foot of Hymettus were Epirot Sicilians, and had no connexion with Italy, as has been shewn in p. 56.

exactly like that which has buried it: beneath the former is a soil containing unequivocal traces of tillage⁵²⁰; and this cultivation belongs to an age anterior to the first Greek settlement in Italy; since the Greeks had no traditions of any eruptions from Vesuvius, although they collected by inference that the mountain was volcanic.

If a detailed map be framed according to mere reports, calculations, and bearings, it may deviate in every particular from absolute geographical correctness, and yet be substantially sufficient to give a notion of a country, and enable us to follow the events of its history: when contracted to a small scale, its variations from a precisely accurate one may be scarcely perceptible. The same is the case with regard to many things handed down to us in the history of nations: if they are detached from their dates and whatever else is most exposed to arbitrary and falsifying alteration; and if we do not suffer ourselves to be disturbed by partial incongruities, where there is no contradiction in the main; the limits of universal history will be greatly enlarged.

Thus the legends and traditions collected in this introduction, concerning the several tribes that flourished in the earliest times of Italy, furnish results which enable us to survey the most important turns of their destinies, and which carry us so far forward, that, even beyond the Alps, some of the national movements in the west and north of Europe come within our widening horizon.

The Pelasgians, under which general name it seems that in Italy the Oenotrians, the Morgetes, the Siculians, the Tyrrhenians, the Peucetians, the Daunians, the Liburnians, and the Venetians may be comprehended, surrounded the Adriatic with their possessions no less than the Ægean: that tribe of them which left its name to the lower sea, having dwelt along its whole coast up a considerable way into Tuscany, had also a settlement in Sardinia: and in

⁵²⁰ Diss. Isagog. in Herc. volumina i. p. 9.

Sicily the Elymians, as well as the Sicelians, belonged to the same stock. In the interior of Europe the Pelasgians were settled on the northern side of the Tyrolese Alps; and under the name of Pæonians and Pannonians extended as far as the Danube: that is to say, if the Teucrians and Dardanians were the same race.

They are standing in the very earliest traditions at the summit of their greatness. The legends that tell of their fortunes, exhibit only their decline and fall: Jupiter had weighed their destiny and that of the Hellenes; and the scale of the Pelasgians had risen. The fall of Troy was the symbol of their fate.

As on the east of the Adriatic the Illyrians press forward from the north, until they are arrested by the mountains of Epirus; so the Tuscans, being driven onward by the Celts or Germans, come down from the same quarter out of the Alps into Italy: in the west of Lombardy they find the Ligurians reaching as far as the lake of Garda: these at that time were one of the great nations of Europe, possessing the country from thence to the foot of the Pyrenees; before this they had also inhabited Tuscany. They now retired from the plains on the north of the Po, behind the Ticinus and into the Apennines. The invaders, pursuing their conquests, expelled the Umbrians, both out of Lombardy south of the Po, and from the inland part of northern Tuscany: from the seacoast and the south of Etruria as far as the Tiber, they drove the Tyrrhenian Pelasgians. This limit they reached about the time which we mark as the first third of the second century of Rome. The impulse of the Tuscan irruption set in motion all the nations then in possession of the country from the Po to the summit of the Apennines; and forced the Cascans and Oscans, prest onward by the Sabines, upon the Sicelians. And as the Pelasgians on the Tyrrhenian sea were expelled or subjugated, so their other tribes experienced the same fate, in Oenotria from the Greeks,

in Daunia from the Oscans, higher up along the Adriatic from the Sabellians and Umbrians: and the continued progress of the Sabellians subsequently occasioned the Ausonian Opicans to attack the Latins, a people sprung from an earlier emigration of other tribes belonging to their own race. The further changes do not require a summary.

THE PRELIMINARY HISTORY OF ROME.

ÆNEAS AND THE TROJANS IN LATIUM.

I NOW turn with pleasure toward my proper mark, from the wearisome task of gleaning detached and mostly unimportant notices concerning the Italian nations; and I retire from the seductive impulse to divine the nature of what has perished, by continually renewing the examination of these often uncertain fragments. Yet I must still linger a while on ground of the same kind with the most insecure part of what I have just quitted, but ground belonging essentially to Rome, and over which our road must needs pass to the mythical part of Roman story; a part that must be kept separate, but may not be excluded.

If the object of an investigation concerning the Trojan colony in Latium were to decide with historical probability, by means of direct and circumstantial evidence, whether such a colony actually settled on that coast, a prudent inquirer would decline it. He would deem it absurd to expect any testimonies as to an event five hundred years antecedent to the time when all is still fabulous and poetical in the history of Rome: and what traces could have been preserved, to supply the place of evidence which obviously cannot possibly exist? when the Trojans with Æneas, even according to the account which assigns them the greatest importance, were not an immigrating tribe such as would alter the people it united with, and

impress its character distinctly on the new formation. In the earliest Roman narrative they are represented as the crew of merely a single ship: and even in the later, which might lead us to look for a somewhat larger number, they are still no more than a small band, for whom the fields of one village were sufficient. There being no trace of such a settlement to be found in Latium a thousand years afterward, would be no proof against the strangers having come thither.

The real object of this investigation is, to determine whether the Trojan legend is ancient and homesprung, or adopted by the Latins from the Greeks; and whether there is any chance of explaining how it originated. Besides it is worth the while to collect the peculiar features of the earliest Roman accounts, which are very little known.

Let none look on this inquiry with scorn, from thinking that Ilion too was a fable, and a voyage into the unknown West was impossible. It is true, the Trojan war belongs to the region of fable, so that we cannot select a single point among its incidents as more or less probable than the rest: yet undeniably it had a historical foundation. That the Atrids were kings of the Peloponnesus, is unquestionable. Nor can the voyage to Latium be termed impossible; since the boldness of mariners is by no means checked by the imperfect condition of their vessels: nor is their knowledge of distant regions to be measured by the notions of their countrymen who remain at home, in an age without books, or maps, or men of learning.

The story that the Trojans were not utterly destroyed at the fall of Troy, but that a part of them survived, and that this remnant had been governed by the house of Æneas, is as old as the Homeric poems. True, it does not by any means follow from this, that the legend which makes the descendants of Æneas rule over emigrants at a distance from Troy, was equally old; we can only say, there is no contradiction between the two. All that is

expressed in the well-known passage of the *Iliad**, is that a Trojan people would continue to exist: and it would certainly be more natural to refer the prophecy to the independent Dardanians under Æneas, whose situation would enable them to occupy the desolated territory of Ilion immediately after the departure of the Greeks, than to a distant settlement in regions which, even if they were known to the mariner, were altogether obscure to the poet; but that Troas and the Hellespont in the Homeric age had long been full of Æolian colonies. Arctinus of Miletus too, a poet contemporary with the building of Rome, only related, unless the abstracts in the *Chrestomathia* of Proclus are incorrect, that Æneas and his followers, being terrified by the portentous fate of Laocoon's children, abandoned the city and withdrew from the general ruin to mount Ida. It is certainly possible that his account of what afterward befell the fugitives, might be overlooked in those abstracts. But Dionysius was acquainted with the poems of Arctinus, and not merely with his *Æthiopid*, but also with his *Destruction of Troy*: for he gives us his story of the stealing of the false Palladium⁵²¹: and he does not combine this story with the accounts which stated that the image had been brought by the Trojans into Italy. Now if the Milesian poet, whose great antiquity Dionysius expressly urges, had related anything about a subsequent emigration of Æneas, it is inconceivable that Dionysius should have neglected his evidence for the settling of the Trojans in Italy; when he was amassing all he could muster out of Hellanicus, Cephalaon, and other writers so much more recent.

In the *Laocoon* of Sophocles²² Æneas was represented as retiring before the taking of the city, and as having been followed by great numbers to new abodes, the desire of many of the Phrygians. But even if Sophocles took the

* xx. 307—308.

521 l. 69.

22 Quoted by Dionysius l. 48.

fable of his tragedy in the main from the ancient cyclic poet I have been speaking of, still it no way follows, that he did not in this instance exercise his customary licence, of making a free selection out of the narratives contained in other poems on the fall of Troy.

Dionysius seems neither to have been acquainted with Pisander, nor with the lyrical poem of Stesichorus on the destruction of Ilion. If credit is due to the account, that Virgil formed the second book of the *Æneid* entirely on the model of Pisander's epic poem⁵²³, we then know that the latter sang, how *Æneas* after the fall of the city made his escape with a part of the Trojans, and emigrated; and that too not as a traitor, nor through the clemency of the Argives: but we are not warranted in drawing any conclusions as to a further coincidence between his story and Virgil's. The age of Pisander, if he was the Camiræan, is quite indeterminate, lying between that of Hesiod and the thirty-third Olympiad.

Stesichorus however sang of the emigration of *Æneas*, almost in the same way as Virgil; for the representations on the Iliac Table seem entitled to confidence. In them we find the hero preserving his father and the holy things, —with but slight variations from Virgil's description,—and embarking with his followers for Hesperia. Stesichorus, who died in the fifty-sixth Olympiad, lived in the latter half of the second century: still from the vague account of *Æneas* leading some Trojans into Hesperia, to that of his founding a colony in Latium, there is certainly a wide step: and it is very doubtful whether Stesichorus reached this extreme limit. In Arctinus at least his chief exploit was his saving the Palladium: among the holy things too mentioned by Stesichorus, this we may be sure was the most precious treasure: but this Palladium, the Greeks

⁵²³ Macrobius Saturn. v. 2. It is inconceivable that Macrobius should, as has been conjectured, have taken Pisander of Laranda for older than Virgil: if here as elsewhere he was merely a compiler, the grammarian he copied from lived still nearer to the age of Severus.

believed, was preserved in the Trojan colony at Siris in Oenotria; on the same coast where they planted so many persons connected with Troy, Philoctetes at Petelia, Epeus at Lagaria, the Pylans at Metapontum. Siris too was within the compass of Hesperia; and the first Greeks at all events who sang of a Trojan emigration to Hesperia, can scarcely have assigned it a more distant goal. But Misenus in Stesichorus, unless his name on the Iliac Table be an addition inserted out of Virgil, decidedly points to the lower sea.

The other Greek authorities quoted by Dionysius, we are either totally unable to arrange according to their age, or we cannot do it with such certainty as to fix the time when the Latins were first spoken of by the Greeks as a Trojan colony. His trying to uphold the historical truth of the legend, by appealing to the Pythian oracles and the responses of the Sibylline books, is a piece of that superstitious trifling by which he so often provokes us; and the authority is quite worthless, since the old Roman Sibylline books had perished, and those which circulated among the Greeks were wretched impostures.

Gergithes on mount Ida was the only Teucrian town that remained after the Æolian invasion²⁴: a Gergithian named Cephalon wrote the history of his nation. In this he related, that Æneas had only led the Trojans as far as Pallene on the coast of Thrace; that he died there after founding the city of Ænea; and that Romus, one of his four sons, built Rome along with his father's followers in the second generation after the taking of Troy²⁵. As a Teucrian, this writer's testimony is very interesting: it would be most important, if the expression of Dionysius, who calls him "a very ancient historian"²⁶, could be taken literally; but he applies the same terms to Antiochus, who was more recent than Herodotus.

²⁴ Herodotus v. 122. vii. 43.

²⁵ Dionysius i. 49. 72.

²⁶ συγγραφεὺς παλαιὸς πάνν. i. 72.

We have no right therefore to assume that Cephalon was older than the former, that is, than the first half of the fourth century.

The existence of other Trojan colonies in those parts was regarded by the Greeks of that century as historically certain. Hellanicus indeed had made the Elymians go over to Sicily from Italy, and precede the Sicelians as inhabitants of the island⁵²⁷: but Thucydides, no doubt following Antiochus, states that they were Trojans, intermixed with some Phocians, who were cast ashore there on their return from Troy²⁸: so Scylax too calls them Trojans. Hence there can be no question that if Thucydides and the Greeks of his age had heard tell of a Trojan colony on the Tiber, they would not have seen anything surprising in it.

Within a century of this time Apollodorus of Gela, the contemporary of Menander, termed Romus the son of Æneas and Lavinia²⁹: after the middle of the fifth century Callias adopted the story of the Trojans settling in Latium, and uniting with the Aborigines, which he indicated by the marriage of Roma with king Latinus³⁰. Soon afterward Pyrrhus crossed over into Italy, and the eyes of all nations were turned toward Rome. The notion entertained by Pausanias, that Pyrrhus felt himself called upon as a descendant of Æacus to wage war against the posterity of the Trojans³¹, was very probably borrowed from some contemporary writer: from Hieronymus or Timæus. The latter, who wrote, that the

⁵²⁷ Dionysius i. 22. It seems also as if he had not conducted the Trojans under Æneas beyond the country of the Cruseans in Pallene, that is, to the town of Ænea. See Dionysius i. 48.

²⁸ Thucydides vi. 2. Scylax p. 4. The same singular story of an amicable settlement in which the fugitives unite with the conquerors humbled by their destiny, occurs at Siris on the coast of Oenotria.

²⁹ In Festus v. Romam: the words are sadly corrupt.

³⁰ Dionysius i. 72.

³¹ Pausanias Attic. c. xii.

people of Lavinium had told him, the images of the Trojan gods were preserved in the sanctuary of their temple⁵³², maintained that the Trojan origin of the Romans was positively certain: and in endeavouring to get evidence of it he was deluded by that fancifulness which often visited him, into imagining that the sacrifice of the October horse was a memorial of the destruction of Troy by the wooden horse³³. From that time forward the belief in the Trojan colony was quite universal among the Greeks. In the first half of the next century it was professed by Eratosthenes³⁴: it is by mere accident that we have no Greek work in which it is exprest, more ancient than Lycophron's Cassandra, which was written about 560³⁵.

But along with this there was another legend current among the Greeks: that the Latins were one of the ancient colonies founded in various places by Greek castaways after the Trojan war; which colonies they supposed to have afterward lost their connexion with their mother-country, and to have been estranged from it: to this class, in

⁵³² Dionysius i. 67.

³³ That this notion, which we were acquainted with through Plutarch, *Quest. Rom. c. 97*, and *Festus, v. October equus*, owes its origin to Timæus, is clear now from the *Excerpta de sententiis* p. 381. ed. Maii, where Polybius attack upon him is published in a state very much fuller than in the old editions: καὶ μὲν (read μὴν) ἐν τοῖς περὶ τοῦ Πύρρου πάλιν (perhaps πολέμου) φησὶ τοὺς Ρωμαίους ἔτι (insert καὶ) νῦν ὑπόμνημα ποιουμένους τῆς κατὰ τὸ Ἴλιον ἀπωλείας ἐν ἡμέρᾳ τινὶ κατακοντίζειν ἵππον πολεμιστὴν πρὸ τῆς πόλεως ἐν τῷ κάμπῳ καλουμένῳ, διὰ τὸ τῆς Τροίας τὴν ἄλωσιν διὰ τὸν ἵππον γενέσθαι τὸν δούριον προσαγορευόμενον. Plutarch, when recording this ingenious explanation as it was delivered by its authors, writes that the Romans would do this as Τρώων ἀγλαὰ τέκνα μεμιγμένα παῖσι Λατίνων: so that he probably found this line in Timæus, and it must then belong to a poet who, comparatively speaking, was of considerable antiquity.

³⁴ Servius on *Æn. i. 273*.

³⁵ v. 1232. foll. The author has discussed the age of Lycophron in his *Kleine Schriften* p. 438—451.

the south of Italy, the first city of Metapontum, *Petelia*, and *Arpi*, were supposed to belong. *Circeii*, which was uniformly taken by the Greeks for the island of *Circe*, and hence a place of interest even to mariners, who recognized the grave of *Elpenor* in a place overgrown with dwarf myrtles (whereas the rest of *Latium* was said to produce only standards⁵³⁶) brought the name of *Ulysses* into these parts. *Hesiod* terms *Latinus* and his brother *Agrius*, the sons of *Ulysses* and *Circe*, and the sovereigns of the renowned *Tyrrhemians*³⁷. He makes no mention of *Telegonus*, who was named in the room of those brothers in other fables; fables anterior to *Sophocles**, and adopted by the later Roman poets and by the *Tusculans*. Wherever *Latinus*, or *Romus*, or *Roma*, are spoken of as descended from *Ulysses* or *Telemachus*³⁸, the meaning of the fable is the same: but this notion of a Greek origin is likewise found without any mention of *Ulysses*. *Aristotle* related³⁹, that some *Achæans* on their return from *Troy* had been cast by tempests on the coast of *Latium*, a district of *Opica*; that, when they landed to winter there, the captive *Trojan* women set fire to their ships; and that this compelled them to settle in those parts. The same story was repeated by *Heraclides Lembus* so late as after the year 600; and all who before the sixth century called *Rome* a *Grecian* city, and the *Romans* *Greeks*, must have adopted views substantially the same.

Now it seems clear to me, that the earliest Greek tradition, of which we may certainly consider *Hesiod* as the representative, by assigning *Latium* to *Ulysses* and his descendants, excludes the *Trojans* from it: while a

536 *Theophrast. Hist. Plant. v. 9. Seylax, p. 3.*

37 *Theogon. v. 1011—15.*

* See the passages quoted among the fragments of the *Νῆπτα*.

38 See the latter part of the section on the *Founding of Rome*.

39 In *Dionys. i. 72.*

very ancient opinion, the historical value of which I may leave to rest on its own merits, brought them along with the sacred treasures they had saved, to the Siris. If so, there is a very great probability, that, so long as the Palladium was believed to be preserved there, that is, until the taking of Siris by the Ionians, about the year 75, nothing was either said or sung among the Greeks touching a more distant migration of those who had escaped from the flames of Ilion. But irreplaceable sacred treasures, such as the Palladium, if they are lost, are generally given out to have returned to light somewhere else: and then it often happens that several are set up as the true one. Thus a favorable hearing might be won for the legend, that Æneas had taken refuge with the gods of Troy in parts far more remote than the Siris, where they were still preserved: but to a Teucrian the report was most acceptable, and he would feel a peculiar interest in strengthening the opinion, that a germ of his race had taken root in a distant region, and that a new people was springing up from it.

In that distant region however must the report have had its rise: for whatever use learned Romans in the age of Augustus might make of Greek poets, to shew that the tradition was early known to the Greeks, and thereby to establish its truth; still it would be extremely improbable that a belief which was adopted by the whole nation concerning its own origin, should have been borrowed from abroad; even if it could be traced from such poems as were generally known. This however is by no means the case here, as it is with the fable of Ulysses coming to Latium: the latter, it is very easy to see, was fostered by the circumstance that the house of the Mamili, which was transplanted to Rome from Tusculum, where they had been princes, deduced its lineage through Telegonus from Circe. Above all is it improbable that a belief of this kind should be of foreign origin, when it is recognized by the state; by a state too so proud, and so contemptuous

toward every thing foreign, as Rome. Of its having been so recognized we find remarkable proofs, in collecting the earliest traces of the Trojan legend among the Romans; proofs drawn from times when Greek literature had certainly not found admission except with a few individuals.

To the opinion that this legend was generally prevalent among the Romans, it might be objected that of all the Roman festivals not one related to Æneas and Ilium. For though a yearly sacrifice was offered by the pontiffs and the consuls on the banks of the Numicius to Jupiter Indiges⁵⁴⁰, this no way proves that the notion of this god being Æneas deified, was of any high antiquity. But on the other hand the worship of the Penates at Lavinium is of the greater importance, because, as has been more than once mentioned, Timæus, who at all events writing for Sicilian readers could not invent fables on Roman matters, as Megasthenes did concerning India, related, about the year 490, that he had been told by certain inhabitants of Lavinium, there were Trojan images of clay preserved in their temple.

The first transaction between the Romans and the states of Greece, that we have any account of, is the application of the senate to the Ætolians for the freedom of the Acarnanians, grounded on the plea that the Romans were bound to protect those whose ancestors, alone of all the Greeks, had taken no share in the war against their progenitors the Trojans⁴¹. Owing to Justin's superficial inaccuracy our means for determining the time of this event are in such confusion, that we cannot make out whether this embassy was not sent even before 509; it must not be dated later than 515 or 516. It was about

⁵⁴⁰ The Veronese Scholiast on Æn. i. 260.

⁴¹ Justin xxviii. 1. When my history reaches this point, I think I shall be able to shew that the circumstances related by Dionysius in i. 51, which refer still more specifically to the legend of Æneas, belong to this negotiation, not to a much later period.

the same time that the senate wrote a letter to king Seleucus, demanding, as the condition of entering into a treaty of friendship and alliance with him, that the Ilians, the kinsmen of the Roman people, should be exempted from tribute⁵⁴². The Ilians were also included by the Romans in their first treaty of peace with Macedonia, in the year 549: fifteen years after, when the Scipios crossed the Hellespont, the Ilians boasted of their affinity with the Roman people, calling them their colony; the Romans were delighted to see their mother country, and the consul went up to the citadel to offer a sacrifice to Athene⁴³. It would be useless to collect later instances of the Ilians appealing to this pretended affinity; an appeal made dishonestly, for they were originally an Æolian colony, and the Macedonian kings, who at one time enlarged the city, at another changed its site, mixed up a concourse of people from various nations with the old inhabitants*.

The traces that remain of C. Nævius, who had served in the first Punic war, having given a circumstantial description in his poem of the departure and voyage of Æneas and his father, will be found collected a couple of pages further down.

By this combination of evidence I think I have established the correctness of the view, that the Trojan legend was not brought into Latium by Greek literature, but must be considered as homesprung: and when I have added, that in spite of this it has not the least historical

⁵⁴² Suetonius Claud. c. 25: where that excellent critic, Oudendorp, has proved that Seleucus, who is there named without any specific epithet, must have been Callinicus, who reigned after 509, Ol. 133. 3. The cause that led him to seek the friendship of Rome, was his war with Ptolemy Euergetes, or that with Antiochus Hierax.

⁴³ Livy xxix. 12. xxxvii. 37. xxxviii. 39. Justin xxxi. 8. Polybius xxiii. 3.

* Scylax, p. 35. Strabo xiii. p. 593. foll.

truth,—any more than the descent of the Goths from the Getae, or that of the Franks and Saxons from the Macedonians, all which are related with full faith by native writers,—nor even the slightest historical importance, I should wish to quit the subject. But he who brings forward inquiries of this sort, is seldom permitted to decline expressing his suspicion, if he has one, even where no human sagacity can arrive at a decisive solution; as on the question what after all can have been the origin of this tradition. The following hypothesis is with me not a desperate attempt to find some escape or other from a difficulty: it is my conviction: yet without that necessity of speaking, I should be silent on the subject.

Everything we have to build upon in the old mythological stories, with a view to discovering the affinities of nations, indicates that which existed between the Trojans and the Pelasgian tribes; the Arcadians⁵⁴⁴, the Epirotes⁴⁵, the Oenotrians⁴⁶, but more especially the Tyrrhenian Pelasgians. Dardanus comes from the city of Corythus to Samothrace, and from thence to the Simois: Corythus in Virgil is a Tyrrhenian, according to Hellanicus and Cephalon a Trojan⁴⁷: this interchange, the expedition of the Trojans to Latium and Campania, and the wanderings of the Tyrrhenians to Lemnos, Imbrus, and the Hellespont, may safely be interpreted as designating nothing more than national affinity. That the Penates at Lavinium were the gods of Samothrace, was an opinion almost universally received: so much so, that Atticus, though he did not controvert the story about the migration of Æneas, concluded that the Penates had been brought from that island⁴⁸: so much so, that the Samothracians, like the

⁵⁴⁴ Dardanus according to one tradition is sprung from Arcadia (Dionysius i. 68.): Æneas arrives in Arcadia.

⁴⁵ Helenus settles, and Æneas stays in Epirus.

⁴⁶ Polieum on the Siris is built by the Trojans.

⁴⁷ Parthenius, 34.

⁴⁸ Schol. Veron. on Æn. ii. 717.

Ilians, are said to have been recognized as the kinsmen of the Roman people⁵⁴⁹: which statement must refer, not merely to a belief entertained by individuals, but one declared by the government. From this community of religion as of lineage it might ensue, that more than one branch of the nation should call themselves Trojans, and boast of being a colony possessing the Trojan sacred treasures, rescued by them from destruction. For many generations after they had bowed under the yoke of the barbarians, Tyrrhenians would still visit the holy land of Samothrace; and there Herodotus may have heard citizens of Cortona and Placia converse; there Lavinians and Gergithians may have mutually awakened and strengthened the conviction of their kindred through their common ancestor Æneas. The superiority maintained by the religion of the Tyrrhenians and by the arms of the Cascans when the two nations united, is implied in the line

Sacra Deosque dabo; socer arma Latinus habeto:

only that Latinus himself is to be considered as a Tyrrhenian.

The Trojan descent of the Elymians is no less decided and acknowledged than that of those in Latium: so is that of the ancient Sirites of Polieum.

A belief of this sort does not require long to become a national one, in spite of the most obvious facts and the clearest historical proofs; and then thousands would be ready to shed blood for it. They that would introduce it, need but tell people roundly, that it is what their forefathers knew and believed, only the belief was neglected and sank into oblivion.

The legend was altered in a variety of ways: even imperfect traces of its earliest form, before, like others, it experienced the fate of being adulterated into a tale of something historically possible, demand a place in a history of Rome.

⁵⁴⁹ Servius on *Æn.* iii. 12.

Nævius had related it in an episode of his poem on the Punic war, of which fragments and notices are preserved⁵⁵⁰. It is evident that here too, as in Arctinus and Sophocles, Anchises and Æneas quitted the city before it was taken: their wives passed through the gate in the night, with their heads muffled, in tears: many followed their example: yet Æneas found room for his train in a single vessel, which Mercury had built for him. The mention of Prochyta shews that the Campanian poet accompanied the emigrants to the term of their voyage: the vicissitudes that Virgil makes them pass through before they reach it, seem in the main to be borrowed from Nævius. We know that the tempest, which here too assuredly was raised by Juno, the complaint of Venus to Jupiter, and the promises of the future with which he consoles the fond goddess, were imitations of Nævius: I have no doubt that he likewise brought Æneas to Carthage; from him comes the name of Dido's sister, Anna; it must certainly be the Punic princess, who in him too "gently and prudently inquires in what manner Æneas left Troy": and it is exceedingly probable that the origin of the national enmity had already been deduced by him from her fate. The shield of Æneas is a fiction which might certainly be readily suggested by that of Achilles: still it is at least likely, that the shield representing the war of the giants in the poem of Nævius, was an earlier similar application of the Homeric conception to the same hero.

⁵⁵⁰ The fragments here referred to may be found in Hermann's *Elementa doctr. metricæ* III. 9. 31. p. 629. foll.

- 1 Amborum uxores noctu Troia de (read Troiad) exhibant
Capitibus opertis, flentes,
Abeuntes ambæ lacrimis cum multis.
2. Horum sectam sequuntur multi mortales.
3. —blande et docte percontat,
Æneas quo pacto Troiam urbem liquerit.

In Varro's story the different parts bore the mark of sources and times totally different. Of a novel kind are the escape of Æneas to the citadel, and his being allowed by the capitulation to depart with as much as every man can carry⁵⁵¹; whereupon instead of his treasures he bears off his father who had been paralysed by lightning, and, when the Greeks in admiration of the deed grant him a second choice, the clay and stone images of the gods; in honour of which virtue they permit him to take away whom and what he will in safety⁵². A feature belonging to the ancient legend, and reminding us of those of Asia, is, that the morning star continued visible to the Trojans all day long during the voyage, and disappeared when they had reached their destination on the Laurentine shore⁵³. It is not known who was the author that assigned four years for the duration of this voyage⁵⁴. By the sign just mentioned, and by the fulfilment of the Dodonæan oracle⁵⁵, when his hungry band were devouring the herbs on which they had spread their scanty meal, Æneas recognized the land allotted to him by fate⁵⁶. According to Cato, Æneas and Anchises, (for he also reached the promised land,) gave the name of Troy⁵⁷ to the first settlement, which did not stand where Lavinium was afterward built. Henceforward we may discover traces of the account such as it stood in the *Origins*. Latinus granted 700 jugers to the Trojans: here the measure of a plebeian hide of land is traced back to the very first origin of the Latin nation; and it is intimated that there were but a hundred Trojans. The harmony between the natives and the strangers was

⁵⁵¹ Dionysius mixes up this story with that of Arctinus.

⁵² Servius on Æn. ii. 636: and the Veronese Scholiast on Æn. ii. 717, where we should read *humanarum* for *historiarum*, and *aurum* for *arma*.

⁵³ Servius on Æn. i. 381. and ii. 801.

⁵⁴ Servius on Æn. i. 259.

⁵⁵ Servius on Æn. iii. 256.

⁵⁶ This oracle is known to Lycophron: v. 1250. foll.

⁵⁷ Servius on Æn. i. 6. vii. 158.

disturbed by the wounding of a favorite stag belonging to King Latinus. Turnus⁴⁵⁸, prince of the Rutulians of Ardea, united his arms with him against the hated foreigners. But the natives were defeated, Laurentum was taken, Latinus fell at the storming of the citadel⁵⁹, and Lavinia became the prize of the conqueror. As the picture was drawn in gentler ages, we find nothing of these unhappy nuptials with the man by whose arms her father fell, and the marriage is combined with festivities in honour of the peace: although Virgil does not allow himself, like Dionysius and Livy, to make the threatened battle go off in an alliance and union. And certainly Lavinia in other traditions also is the mediatrix of an alliance with foreigners; being married to Hercules, under the name of Launa, the daughter of Evander; to Locrus, as Laurina, the daughter of the Oenotrian king, Latinus; nay Æneas himself marries her, under the name of Launa, the daughter of Anius king of Delos*.

⁴⁵⁸ His name is nothing else than a Latin form of Tyrrhenus: see above p. 43: and the readings of the Vatican manuscript shew that Dionysius, i. 64, called him *Τυρρηνός*, as in i. 70 he did the shepherd Tyrrhus. Here again we have the same duplicity introduced into the notion of the mythical ages, the Tyrrhenians and Trojans combating each other, as the Tyrrhenians and Pelasgians, the Pelasgians and Sicelians did in different legends. That Turnus in the name of Turnus Herdonius is a Latin *prænomen*, is anything but certain: the practice of placing an uncommon *cognomen* before the *nomen* obtained early; and Turnus would be like Siculus, or Auruncus, by the side of very old Roman names in the Fasti.

⁵⁹ This story must sound so strange to the reader of the *Æneid*, and it must seem so incredible that Virgil should thus have altered the old tradition, that I transcribe the passages quoted from Cato; they are all preserved by Servius; on *Æn.* iv. 620. Cato dicit juxta Laurolavinium cum Æneæ socii prædas agerent, prælium commissum, in quo Latinus occisus est, fugit Turnus.—on i. 267. Secundum Catonem—Æneam cum patre ad Italiam venisse, et propter invasos agros contra Latinum Turnumque pugnasse, in quo prælio periit Latinus.—on ix. 745. Si veritatem historiæ requiras, primo prælio interemtus est Latinus in arce.

* Dionysius i. 59.

The coast of Latium is a sandbank, where nothing grows but wood of the fir kind; and Æneas might well be grieved that his fate had brought him to so poor a country⁵⁶⁰. But he was reminded of the oracle, that his colony should be guided, like the Sabellian, by an animal to its promised seat, when the pregnant sow that had been designed for the sacrifice, broke loose, and escaped to the bushes on a more fruitful eminence. There it farrowed thirty young ones; and thus not only signified the site on which Lavinium was to be built, but also the number of years that was to elapse before Alba should become the capital in its stead, as well as the number of the Latin townships⁶¹.

At the founding of Lavinium the Gods gave signs of their presence. The forest which occupied the site of the future city, caught fire of itself: a wolf was seen bringing dry pieces of wood in his mouth to feed the flame; an eagle fanned it with his wings. But there came also a fox, that had dipt its tail in water, and tried to extinguish the fire: and it was with difficulty that the two former, after driving him several times away, were able to get rid of him. This implied that the people whose mother city was building, would have hard work to establish their power against its obstinate adversaries. Bronze images of the three fated animals were set up in the marketplace of Lavinium⁶².

The poetical story now passes over centuries to the epoch of the Etruscan dominion in Latium: and it was not so careless as we might be inclined to think it, when, knowing nothing of the Greek chronology, it brought the building of Rome very near the time of Æneas.

⁵⁶⁰ In agrum macerrimum littorosissimumque. Fabius Maximus in Servius on *Æn.* i. 3.

⁶¹ The latter in Lycophron also 1253—1260.

⁶² Dionysius i. 59.

Turnus on his defeat fled for succour to Mezentius, the Etruscan king of Cære, being entitled to require it from him, as from his superior lord, to whom the Rutulians paid the first-fruits due to the gods: others say this was the price they gave for his assistance⁵⁶³. With this overpowering enemy Æneas, as king of the whole Latin nation, fought on the Numicius; Turnus fell, but the Latins fled; Æneas plunged into the stream, and was never seen more: his spirit, being purified from earthly cares and exalted to divinity, was adored as Jupiter Indiges: and so long as a recollection of the ancient rites was preserved, the Roman consuls went every year with the pontiffs and offered sacrifice to him on the banks of this river⁶⁴. After this battle Lavinium was closely besieged and reduced to despair; until Jupiter accepted a vow of dedicating the produce of the next vintage⁶⁵ to him: for the whole produce of the vineyards was demanded by the tyranny of Mezentius, or their first-fruits by his impiety, as the indispensable condition of peace. He fell by the hand of Iulus—Ascanius was not introduced till late and out of Greek books—and the descendants of Æneas became lords of Latium.

These wars are described by Virgil, who softens whatever is harsh in them, and alters and accelerates the succession of events, in the latter half of the *Æneid*. Its contents were certainly national; yet it is scarcely credible that even a Roman, if impartial, should have received any

⁵⁶³ Here again there is a great fluctuation in the story. According to Verrius Flaccus (*Fasti Prænestini* a. d. ix. Kal. Mai.) Mezentius took all the wine for ever as the price of his aid: in Ovid (*Fast.* iv. 879. foll.) the ground for the tax is the same, but he limits it to half the produce: Cato in Macrobius, iii. 5, says it was an act of impiety, not of rapacity: to the latter the first-fruits offered to the gods would have been an insignificant object.

⁶⁴ Schol. Veron. on *Æn.* i. 260.

⁶⁵ The variations in Macrobius and Ovid, and the attempts of Dionysius to give a historical colouring to the affair, it would be idle to repeat.

genuine enjoyment from his story. To us it is unfortunately but too apparent how little the poet has succeeded in raising these shadowy names, for which he was forced to invent characters, into living beings, like the heroes of Homer. Perhaps it is a problem that defies solution, to form an epic poem out of an argument which has not lived for centuries in popular songs and tales as the common property of a nation, so that the cycle of stories which comprises it, and all the persons who act a part in it, are familiar to every one. Assuredly the problem was beyond the ability of Virgil, whose genius wanted fertility for creating, great as was his talent for embellishing. That he himself was conscious of this, and was content to be great in the way adapted to his endowments, is proved by his practice of imitating and borrowing, and by the touches he introduces of his exquisite and extensive erudition, so much admired by the Romans, and now so little appreciated. He who puts his materials together elaborately and by piecemeal, is aware of the chinks and crevices, which varnishing and polishing conceal only from the unpractised eye, and from which the work of the master, when it issues at once from the mould, is free. Accordingly Virgil, we may be sure, felt a misgiving, that all the foreign ornaments with which he was decking his work, though they might enrich the poem, were not his own wealth, and that this would at last be perceived by posterity. When we find that, notwithstanding this fretting consciousness, he strove, in the way that lay open to him, to give a poem, which he did not write of his own free choice, the highest degree of beauty it could receive from his hands; that he did not, like Lucan, vainly and blindly affect an inspiration which nature had denied him; that he did not allow himself to be infatuated, when he was idolized by all around him, and when Propertius sang:

Yield, Roman poets, bards of Greece, give way,
The Iliad soon shall own a greater lay;

that, when the approach of death was releasing him from the fetters of civil observances, he wished to destroy what in those solemn moments he could not but view with melancholy, as the groundwork of a false reputation; we feel that this renders him worthy of our esteem, and ought to make us indulgent to all the weak points of his poem. The merit of a first attempt does not always furnish a measure of a writer's talents: but Virgil's first youthful poem shews that he cultivated his powers with incredible industry, and that no faculty expired in him through neglect. But it is wherever he speaks from the heart, that we perceive how amiable and generous he was: not only in the Georgics, and in all his pictures of pure still life; in the epigram on Syron's villa: the same is no less visible in his way of introducing those great spirits that shine in Roman story.



ALBA.

WHEN Jupiter in the *Æneid* is consoling the weeping goddess, the mother of the hero, by revealing the future to her; and telling her how the empire of her son and his posterity was to mount from step to step, increasing in glory and greatness, up to Rome, to which no limit and no term was assigned⁵⁶⁶; the three years which he promises for *Æneas*, refer, not to the interval between his landing and his death, but to the duration of the little Troy on the Latian shore, until the two nations united and built Lavinium: though the former period was also reckoned at the same number of years.

Thirty years afterward his successor led the Latins from the unhealthy low grounds on the coast to the side of Monte Cavo, from the summit of which the eye commands a view more ample than the dominion of Rome before the Samnite wars: in the light of the setting sun it can reach Corsica and Sardinia, and the hill which is still illustrated by the name of Circe, looks like an island beneath the first rays of her heavenly sire. The site where Alba stretched its long street between the mountain and

⁵⁶⁶ *Æn.* i. 261—279. It seems however as if three thousand years were allotted to Rome: which, according to Servius on *Æn.* iii. 284, was one of the many periods assigned for the length of a great year: from a rough calculation about the periodical revolutions of the heavenly bodies this was supposed equal to a hundred times that of Saturn. This statement has certainly some foundation, though the reference to Cicero's books *de natura Deorum* rests on an oversight.

the lake, is still distinctly marked: along this whole extent the rock is cut away under it right down to the lake. These traces of man's regulative hand are more ancient than Rome. The surface of the lake, as it has been reduced by the tunnel, now lies far below the ancient city: when Alba was standing, and before the waters swelled to a ruinous highth in consequence of some obstructions in the outlets, it must have lain yet lower; for in the age of Diodorus and Dionysius*, during extraordinary droughts, the remains of some spacious buildings might be seen at the bottom, and the common people took them for the palace of an impious king which had been swallowed up†. Above the steep rock there was no need of a wall: the approaches on both sides might easily be barred. Monte Cavo was the Capitoline hill of Alba; its summits required to be fortified, to secure the town from above: and there is great probability in the conjecture, that, as the citadel at Rome was distinct from the Capitoline temple, so the *Rocca di Papa* was the citadel of Alba.

This account concerning the origin of Alba stands and falls with the Trojan legend: another tradition, according to which Lavinium was founded by the Albans, in union with the Latin nation, has been obscured by it, but may still be recognized. A recollection was preserved among the Lavinians, that their city had been built under the sovereignty of Alba by six hundred families sent out for that purpose⁵⁶⁷. The legend which tries to combine the

* Dionysius l. 71.

† A similar legend is still current in the neighbourhood of Albano: its outlines, as it was related to one of the translators by a peasant boy who guided him to Frascati, are as follows. Where the lake now lies, there once stood a great city. Here, when Jesus Christ came into Italy, he begged alms. None took compassion on him but an old woman, who gave him two handfuls of meal. He bade her leave the city: she obeyed: the city instantly sank, and the lake rose in its place. To set the truth of the story beyond dispute, the narrator added, *Sta scritto nei libri*.

⁵⁶⁷ Dionysius l. 67. Ἐξακόσιοι μελεδωνοὶ τῶν ἱερῶν αὐτοῖς μετασπώντας ἐφεστίοις.

two stories, is by no means an innocent poetical fiction, but was fabricated with the express view of making out that Lavinium was the earlier seat of the Penates. It states, that Ascanius carried away these gods with him, when he and all his people left Lavinium: but as the images departed twice over from their new temple after its doors had been closed, and returned to the forsaken one in the desolate city, the Alban king yielded, and sent the settlers to take up their dwelling round the sacred place.

I am not offering a hypothesis, but the plain result of unprejudiced observation, when I remark that Lavinium, as its name implies, was the seat of congress for the Latins, who were also called Lavines: just as Panionium was that for the Ionians in Asia. When a legend contains names supposed to have belonged to individuals, this goes far toward giving it the look of being something more than a fiction: hence many who otherwise might still insist that the Trojan legend ought not to be absolutely rejected, may perhaps change their views when it becomes clear to them that Lavinia and Turnus are only personifications of two nations, and that Lavinium is a more recent city than Alba. The same unprejudiced observation convinces me, from the number of the six hundred families, that each of the thirty Alban hamlets, and each of the thirty Latin towns sent ten: or rather that a connexion subsisted, in consequence of which this was supposed to have been the case⁵⁶⁸.

I have here spoken of two distinct unions, each consisting of thirty places, the whole body of which might be called Latin: from not making the same distinction, our historians have been led into glaring contradictions with what they elsewhere assume to be true. They cherish the opinion, that all the Latins proceeded from Alba; as

⁵⁶⁸ That the word *sexcenti* should have been used to signify the greatest possible, or at least a very great number, is no longer surprising, when we reflect on the frequent occurrence of twice thirty, first among the Albans and Latins, and then among the Romans and Latins, where each unit contained ten decuries. What completely fixed the usage, was, that for a long time a Roman cohort consisted of six hundred men.

colonies the founding of which is ascribed to Latinus Sylvius: that these were the *Prisci Latini*, whose submission was demanded by the Roman kings, on the plea of having succeeded to the supremacy of Alba, and was enforced by Tarquinius: and these *Prisci Latini* are designated as consisting like the others of thirty towns⁵⁶⁹. And yet it is not to be mistaken that Laurentum and Ardea according to the legend of Æneas existed long before Alba, even allowing that Lavinium after its pretended restoration was regarded as a colony: in like manner Tibur, as we see from similar legends, was held to be older than Alba: and yet nobody would have doubted that all these belonged to the *Prisci Latini*, and to their thirty cities. But though Livy and Dionysius contradict themselves, it was not so with the writers they copied. Pliny, after enumerating above twenty Latin towns whereof no trace remains, subjoins to them a list of the Alban townships, consisting of the Albans and thirty others whose names are alphabetically arranged: all these, he says, had of yore partaken along with the Latins in the flesh of the victim on the Alban mount, and like them had perished⁷⁰. Here again

⁵⁶⁹ Ab eo (Latino Sylvio) coloniae aliquot deductae, Prisci Latini appellati. Livy i. 3. Tarquinius demands their submission as a right: quod, cum omnes Latini ab Alba oriundi sint, in eo foedere teneantur quo res omnis Albana cum colonis suis in Romanum cesserit imperium. i. 52. Dionysius, iii. 34, speaking of Tullus Hostilius: πρέσβεις ἀποστείλας εἰς τοὺς ἀποίκους τε καὶ ὑπηκόους αὐτῆς (τῆς Ἀλβας) τριάκοντα πόλεις. That the ὑπήκοοι here are the same as the ἀποικοι is proved by the particle τε.

⁷⁰ Pliny iii. 9. Cum his carnem in monte Albano soliti accipere populi Albenses: Albani—Æsulani, Acienses, Abolani, *Bubetani*, Bolani (perhaps *Bovillani*), Cusuetani, *Coriolani*, Fidenates, *Foretii*, Hortenses, Latinienses, Longulani, Manates, Macrales, Mutucumenses, Munienses, Numinienses, Olliculani, Octulani, *Pedani*, Polluscini, *Querquetulani*, Sicani, Sisolenses, *Tolerienses*, Tutienses, Vimitellarii, Velenses, Venetulani, Vitellenses. I have only altered the punctuation before and after *Albani*, which in the editions makes nonsense of the

the name he gives them of *populi Albenses*, and their number, speak for themselves; and leave no doubt that these, and not the important cities, were the thirty places said to have been colonies from Alba. Many among them may have actually received Alban colonists, as Roman colonists were sent to the places reduced by the first kings in the neighbourhood of Rome: but on the whole it is evident that there was a division like that of the thirty plebeian tribes under the legislation of Servius: they were the boroughs of a free commonalty.

Their partaking in the flesh of the victim along with the other Latin states on the Alban mount, shews that the latter stood in the same relation to Alba as they subsequently did to Rome. Most assuredly they were dependent neighbours, and thirty in number, not however the very same which afterward entered into a confederacy with Rome, but only some of these; and the number was made up by several of the towns, which, having fallen into the power of the Romans, had become colonies or been destroyed, such as Medullia and Cameria.

Thus the present investigation has gained the same cheering result, as has rewarded the labour spent on many out of which this work has been composed: that which seems to be absurd, is so only when we look at it superficially; and it covers a groundwork of uncorrupted truth, which may be brought to light; so that a critical treatment of history becomes much richer in facts, than the credulous repetition of the stories that have been handed down.

No building erected by the ancient Albans has left any visible ruins: of the temple of Jupiter Latiaris the very foundation-walls have been destroyed, which probably must have belonged to the earliest ages. But among the works

passage, and emended *Æsulani* and *Polluscini*. Of the whole thirty names only six or seven, which are here printed in italics, occur in the list of the thirty towns given by Dionysius v. 61, even after adopting the corrections of the Vatican manuscript and those of Lapis.

executed by Alba one is still the source of blessings at this day, as it was five-and-twenty-hundred years ago, and it will endure imperishably: but the present generation have no suspicion that they are indebted for their most fruitful fields to the prince of a city which, lying in remote obscurity, even beyond the fabulous ages of Rome, has almost left its existence a matter of doubt. The acknowledgement and gratitude due on this account I challenge in behalf of the Cluilius, whose name appears in Roman history, but has been foisted into an extremely unsuitable place.*

The valley of Grottaferrata is, as our eyes tell us, the site of a marsh that has been drained, or rather of a lake that has been let off, like the *vallis Aricina*. Now we read of a *vallis Albana* under the Tusculan hills⁵⁷¹: and this can be no other than that valley; which consequently belonged to the immediate territory of Alba. The water from it is carried off by two channels: the one is a canal which runs into the Teverone: the other a tunnel hewn through the rock, half a mile long, in the grand style of very early ages, leading to the Campagna⁷². Here, where none but bad water is to be got, and that too out of very deep wells, the water brought by this dyke, though muddy, was at least very serviceable for the cattle and the soil: its course at first was probably directed toward the sea; but even in the time of the Roman kings it was turned into the city, where it now flows through the valley of the Circus into the Tiber, being called *la Marrana* all the way from its origin. The portion of this dyke down to the spot where the Romans turned it off, is the Fossa Cluilia, so called

⁵⁷¹ Livy iii. 7. In Tusculanos colles transeunt—descendentibus ab Tusculano in Albanam vallem.

⁷² This is stated by Fabretti, an extremely trustworthy witness, *De aquis et aquæductibus* n. 270: who however does not recognize the Cluilian dyke any more than all his brother topographers. On the hill through which the tunnel is carried; lies Centroni, an extensive ruin. Unfortunately I did not read Fabretti's work till after my return from Rome; and I never heard of that tunnel while I was there.

after the Alban dictator by whom this great work was executed: five miles from the Porta Capena, on the Latin road and the Cluilian dyke, is the place where Coriolanus encamped: and in this very spot, by the ruinous hamlet of Settebassi, does the Latin road cross the Marrana.

The list of the Alban kings is a very late and clumsy fabrication; a medley of names, some of them not even Italian ones, some of them repetitions out of earlier or later times, others coined out of geographical names; and with scarcely anything of a story belonging to them. We are told that Livy took this list from L. Cornelius Alexander the Polyhistor⁵⁷³: hence it was probably this client of Sylla that introduced the imposture into history: the variations between Livy's list and others are not very material, and are no proof at all of there having been more than one ancient source. Some of the names may have been derived from older traditions: some of the kings of the Aborigines also had names assigned to them⁷⁴; and these were entirely different from those of the Alban. Even the years that each of the Alban kings reigned, were numbered: and the number so exactly fills up the interval between the fall of Troy and the founding of Rome according to the canon of Eratosthenes, as of itself to shew the late age of the imposture.

For in earlier times the Romans reckoned three hundred years from the building of Alba to that of Rome⁷⁵: even if this number occurred only in Virgil, still it would be perfectly clear that it was a statement of much higher antiquity, and that he did not invent the arithmetical progression three, thirty, three hundred. He might think himself justified in retaining what an earlier poet had said: but he would never have been seduced

⁵⁷³ Servius on *Æn.* viii. 330.

⁷⁴ Stercenius for instance, unless the name be misspelt. Servius on *Æn.* xi. 850.

⁷⁵ *Æn.* i. 272.

by numerical symmetry to assign dates, the inaccuracy of which he must have perceived just as well as every schoolboy from the tables of Apollodorus or Cornelius Nepos. But it is gratifying, and more than we could have expected, to find that ingenious writer Trogus Pompeius, who treated the origin of Rome, as he did the earliest history of other nations, with discriminating freedom, reckoning in like manner no more than three hundred years for Alba⁵⁷⁶; as did Livy himself, when he assumed four hundred years for its duration until its destruction about the year 100 of Rome⁷⁷. This however was not the only ancient chronological statement at variance with that of the Greeks. According to one which Servius has recorded, 360 years elapsed between the fall of Troy and the building of Rome⁷⁸, just as many as between the building of Rome and its capture by the Gauls. Now we find two other statements, the combination of which leads us to this second number, and at the same time reconciles it with the former: the first is, that Æneas lived seven years after the fall of Troy, engaged in his wanderings or in war⁷⁹; the

⁵⁷⁶ Justin XLIII. 1. Alba quæ trecentis annis caput regni fuit.

⁷⁷ Livy I. 29. Quadringentorum annorum opus, quibus Alba steterat. The same thing occurs in Servius on *Æn.* I. 272, as a difficulty: cum eam quadringentis annis regnasse constet sub Albanis regibus: and he solves it as I have done in the text. Tanaquil Faber in a note on the passage of Livy has observed its connexion with the line of Virgil; and Duker on the same passage refers to Dodwell de Cyclis, diss. x. p. 678, who has noticed almost all the passages I have cited, and has perceived the nullity of the Alban line of kings.

⁷⁸ Servius on *Æn.* I. 267. I hope I shall not be promoting mysticism and a childish love of trifling with numbers, when I remark the singular play of chance, that there were just 360 years from the destruction of Rome by the Gauls to the conquest of Alexandria, the foundation of the monarchy; and the same number from the latter event to the dedication of Constantinople.

⁷⁹ Dionysius I. 65: and Servius on *Æn.* I. 259; since he assumes four years for the wanderings of Æneas; to which must be added the three more spent in the Latian town of Troy. In the *Æneid* indeed the Trojans do not reach Carthage till the seventh year of their voyage.

second, that Silvius could not obtain possession of the throne before his fifty-third year⁵⁸⁰. I would not pledge myself for the historical truth of the story that a Silvian house reigned at Alba: but the fact was assumed in the Alban records. The existence of such a house presupposes that of a hero Silvius or Siluus. Now if the Latin tradition, such as it was independent of the Trojan legend, made Silvius the founder of Alba, and three hundred years the interval between the beginning of his reign and the building of Rome; then in order to introduce him into the Trojan legend, and to fill up the interval of three hundred and sixty years between Troy and Rome, it became necessary to take fifty-three years from the death of Æneas as the time during which Silvius, his posthumous son, was unjustly excluded from the throne. And it is for the sake of reconciling these native Alban Silvii with the Trojan legend, that the posterity of Ascanius are removed out of the way by the abdication of Iulus.

From Silvius, their maternal ancestor, the Roman tradition derived the founders of the city; but it did not call the Romans a colony from Alba.

⁵⁸⁰ I am aware that Servius, on *Æn.* vi. 770, relates this of Silvius Æneas: but it seems quite evident that what was invented for the one Silvius, has been transferred here to the other; who is wholly wanting in Ovid. The same thing has happened in numberless instances.

ROME.

VARIOUS TRADITIONS CONCERNING THE FOUNDING OF THE CITY.

AMONG all the Greek cities built after the return of the Heraclids, there was none so insignificant, that Ephorus, and the writers after him who introduced accounts of the origin of cities into their general histories, would have been unable to state specifically and with sufficient certainty, from what people the colony had issued, and who were the founders that led and gave laws to it; in far the most cases they also fixed the epoch of the foundation. With regard to Rome, the story of her foundation, though she is supposed to be more recent than perhaps the greater part of those towns, and the people from whom the eternal city originally sprang, are the very points we are most ignorant of. But while it was suited to the eternal city, that its roots should lose themselves in infinity, the story told by the poets of the infancy and deification of Romulus was no less in accord with the majesty of Rome. Its founder could have been no other than a god.

Now while I acknowledge this with a feeling, the sincerity of which none but a bigot, himself insincere, could seek to call in question; and while I allow the heart and the imagination their full claims; I at the same time assert the right of the reason, to refuse to admit anything as historical, which cannot possibly be so; and, without excluding that noble tradition from its

place at the threshold of the history, to inquire whether it be in any degree possible to ascertain what people the first Romans belonged to, and what were the changes attending the rise of that state, which, when the light of historical truth begins to dawn, is Rome.

When the inhabitants of Roma, as their town began to emerge from insignificance, so that they could feel a pride in the Roman name, looked back upon their dark period, and retraced the growth of their community; it was natural for them to call the founder of their nation Romus, or, with the inflexion so usual in their language, Romulus. Supposing that there was in their neighbourhood a town called Remuria, inhabited by a kindred race, which had been sometimes in alliance, sometimes at war with them, and which had fallen before their arms, they might consider its founder, Remus, as the twin brother of Romulus, and as slain by him in a fit of passionate irritation: and in proportion as their state established itself under the peculiar character of a double state, the more firmly fixed would be the notion which represented the city as founded by twins. The story of Romulus might in other respects have been the invention of foreigners, as well as of the Romans themselves; but it is not so with this latter notion, which does not occur in any other state, and is so peculiarly adapted to Rome. And the story is proved to have sprung up on the very site of the city, by the den of the shewolf, the figtree at the roots of which the sucklings were saved, by all the relics of Romulus, and by that rich poem so much of which is connected with local circumstances whereof foreigners knew nothing. In what manner all this gained a shape in the mind and on the lips of poets and storytellers; and how many generations passed away, during which the traditions of other nations, and such perhaps as had long been current, were applied to the origin of Rome, before that which began as poetry, became popular belief; these are points that we must and may be satisfied

to remain ignorant of. If the annals were restored, and received the chronological outline in which we find them, soon after the taking of the city by the Gauls, it is clear, and indeed in other respects it does not admit of doubt, that even thus early they represented Romulus as the first king.

Considering how few monuments have been preserved to us from the early ages of Rome, we may regard it as an ancient testimony of a belief living among the people and recognized by the state, that in the year 458 bronze figures of the shewolf and the babes were set up near the Ficus Ruminalis; the oldest and the finest work of Roman art; which has reached us like the Homeric poems, though so much that was more recent has been lost.

The story which settled as an article of popular belief, was, that Rome had been built by twin-brothers, who were the sons of a princess deflowered by Mars, and who had been delivered by divine protection from a watery death, and fostered and suckled by a shewolf, the animal sacred to their sire. It was impossible that the outlines of this tradition should not in course of time receive very different modifications; and there probably were still more than the two main forms under which it appears to us; according as it is connected with Alba and the Silvii, or with Æneas.

I defer yet awhile relating the former of these legends; which everybody knows, and which, if it were not in some degree interesting to restore such features as have been altered in the later representations, it would be sufficient to allude to: in the second, which was adopted by Nævius and Ennius, the unfortunate princess was called Ilia, the daughter of Æneas⁵⁸¹. It may be conjectured that in this also she was represented as a Vestal; else it seems there would have been no pretext for

⁵⁸¹ Hence came the story of Æmylia and Ares. Plutarch Romul. c. 2.

condemning her to death. She was thrown into the Anio; out of which stream her fortune rose again⁵⁸²: the river-god made her his bride⁸³. Virgil's description of the generous brute, feeding and caressing the babes in her den, was framed after Ennius⁸⁴. This poet like other writers called the tyrant Amulius; and that he bore the same name in Nævius, seems hardly to be questioned; for there is a very corrupt fragment which may readily be corrected by introducing this name, but scarcely in any other manner⁸⁵: I cannot however discover the slightest indication, whether the old poets supposed any affinity between this Amulius and the house of Æneas; or how they accounted for Ilia being his subject; or whether they made mention of Ascanius or Silvius. In the fragment of Ennius Ilia is an orphan; for her father appears to her in a dream; her sister, to whom in her disquietude she relates the nocturnal vision, is the daughter of a Eurydice.

That ingenious critic, Perizonius, whose subtile observations were lost on his contemporaries, has shewn that the mother of Romulus, when she is called Ilia, is always the daughter of Æneas; when Rea Silvia, an Alban princess; and that Ilia is never called Rea⁸⁶: I add, that the reading *Rhea* is a corruption introduced by the editors, who at a very unseasonable time bethought themselves of the goddess: *rea* seems to have signified nothing more than the culprit⁸⁷. The semblance of a proper name may indeed have arisen early: at least it was certainly from some tradition that Virgil took the priestess Rea, who

⁵⁸² Post ex fluvio fortuna resistet: Ennius p. 124.

⁸³ Servius on Æn. I. 274, and VI. 778. Acron and Porphyrius on Horace Od. I. 3.

⁸⁴ Servius on Æn. VIII. 631.

⁸⁵ See in Hermann Elem. doctr. metr. p. 631.

⁸⁶ Excursus on Ælian. V. H. VII. p. 510. ff.

⁸⁷ Or the guilty woman: it reminds us of the expression, *rea femina*, which often occurs in Boccaccio.

bare Aventinus to Hercules⁵⁸⁸; a duplicate of the Alban Silvia, with a happier destiny; and perhaps the daughter of Evander.

Rea Silvia has no necessary connexion with Æneas. That the tradition concerning her is more ancient than the one concerning Ilia, I conjecture, because the computation which makes 338 or 360 years intervene between Troy and Rome, is to all appearance at least a century and a half older than Nævius. The inexplicable point is, how they who reckoned the years of Rome in this way, could adopt Ilia: when the Grecian computations, which extended that interval to between 430 and 440 years, became generally known, she necessarily disappeared. I look upon it as almost certain, that some unknown Greek poem, one of those which brought Romulus close to the time of Æneas, was the means whereby Ilia was imported into Latium.

A careless expression used by Plutarch, which in fact merely asserts that one Diocles of Peparethus first made the story of Silvia known to the Greeks*, has, from his simply adding that Diocles was the writer mostly followed by Fabius, unaccountably given rise to the notion that the story was the invention of this unknown Greek, a person so insignificant that Dionysius has not even admitted him into his host of Greek authorities. Nothing but Plutarch's expressly asserting that Fabius, who was a senator, and whose narrative coincided with the sacred songs⁸⁹, had copied a Greek, and had himself avowed it, could compell us to yield to the evidence of a fact so incredible: as no such evidence exists, there is nothing to prevent our supposing, that Plutarch only inferred what he says from the agreement between the two writers, because Diocles was perhaps a little the elder: nevertheless it was from Romans that he heard, what the Greeks read for the first time in his work.

⁵⁸⁸ Æn. vii. 659.

* Romul. 3.

⁸⁹ Dionysius i. 79. See below note 616.

Of the other Roman accounts, Dionysius mentions one, where Romulus and Remus are the grandsons of Æneas, and are delivered up as hostages to Latinus, who leaves them a part of his kingdom⁵⁹⁰: he also cites another which is copied from Cephalaon⁹¹. Among the Roman writers preserved to us, Sallust alone unequivocally and expressly adopts the opinion which carries Rome back to the Trojan times; undoubtedly his purpose was only to get rid of Romulus and the marvellous fable: it is a feature characteristic of such writers, that in order to do this he admits the settlement of Æneas, though no way more historical. If Velleius had spoken of the armies of Latinus supporting his grandson Romulus at the founding of the city, at the same time that he assumed the common era for the building, he would have confounded the two opinions in a manner so thoughtless and so contrary to his custom, that we must needs adopt the emendation proposed by Lipsius⁹².

If the native legend however is simple in the main, the statements of the Greeks as to the founder of Rome and the person after whom it was named, present greater varieties than occur in the case of any other city. It is clear that the Greeks were early aware of the power and importance of Rome, and that too before intercourse had made them acquainted with the Romans; so they introduced this people into their genealogies: but as nothing was related of it in any poem of general notoriety, and it was not till very late that the native legend crossed the sea, several writers invented such stories as served to express their views. These accounts do not indeed properly deserve to be called traditions; and they might be passed over without any material loss to the history: but as the reports of them are so utterly confused that

⁵⁹⁰ Dionysius i. 73.

⁹¹ Dionysius i. 73. See below notes 600 and 610.

⁹² Adjutus legionibus *Latinis* avi sui; not *Latini*. Velleius i. 8.

no slight pains are necessary to arrange them for a general view, and as I have attempted to do so, I will allow them the inconsiderable room which they require when reduced to order. Others will thus be spared a troublesome task; and unless a complete survey be taken of them, they may seem to promise what they do not at all afford⁵⁹³.

Among these fictions however we are by no means to class the mention made of Rome by Antiochus, who related that Sicelus was flying from thence when he came to the Italian king Morges⁹⁴. Hereby he designates Roma to have been one of the chief cities of the Tyrrhenian Siculians; so that he contradicts the opinion of its Trojan origin; yet he is not on that account to be reckoned among those who denied the settlement of the Trojans in Latium. Connected with this view is the statement that Rome was founded by the Pelasgians. They who held this people to be Greeks, said, that being a warlike race they gave their city a name expressive of their vigour: while such as looked upon them as an Italian tribe, fabled that the first name was Valentia, and that afterward, when Evander and Æneas took possession of the country with their followers who spoke Greek, it was exchanged for the corresponding Greek word⁹⁵. And according to that quality in traditions which has been so often remarked, we must perceive that the Pelasgic

⁵⁹³ They are preserved by Dionysius i. 72, 73; Plutarch Romul. 2. 3; Servius on Æn. i. 274; and Festus v. Roma. Solinus has only made extracts, like Festus, but far more scantily, from Verrius Flaccus, who himself seems chiefly to have drawn from Dionysius.

⁹⁴ Dionysius i. 73.

⁹⁵ Some anonymous writers in Plutarch: a Cuman chronicle in Festus: Adeius (whose name apparently is misspelt) in Servius. The chronicle of Cuma makes the Pelasgians proceed from Athens through Thespiæ (in Boeotia) to the Tiber; while the Greeks gave their emigration precisely the opposite direction. In the very corrupt passage of Festus I venture, instead of *subjecti qui fuerint Caeximparum viri, uncarumque virium*, to read, *subj. q. f. Caci, improbi v. un. v.*

origin of Rome is implied in the legend that the author of the name was Romus, a Latin tyrant, who had driven the Lydian Tyrrhenians out of this region⁵⁹⁶. Many writers, says Dionysius, call Rome a Tyrrhenian city⁹⁷: by this most of them, like Scylax, probably understood an Etruscan; the earlier however may have meant a Pelasgian.

With these exceptions, the Greeks who mentioned the founding of Rome before Timæus, were unanimous in opinion, that the city was built immediately, or within a very few generations, after the fall of Troy. But on one point they were divided: while most of them considered the Trojans as the founders, either alone, or in conjunction with the Aborigines; some on the contrary contended for Greeks; others for a mixed band of the two nations.

Among the advocates of the first opinion but few named Æneas himself as the founder; a far greater number Romulus, whom they described sometimes as his son (coming according to some writers from foreign parts into Italy, according to others born of an Italian mother), sometimes as his grandson, or more remote descendant⁹⁸. Callias, the historian of Agathocles, spoke of Romulus

⁵⁹⁶ Plutarch. This is another instance of an inverted fable.

⁹⁷ Dionysius i. 29. Scylax makes Tyrrhenia reach μέχρι Πάμης πόλεως.

⁹⁸ Æneas is supposed to be the founder by those who derived the name of the city from his wife Roma; the daughter of Telemachus (Clinias in Servius), of Italus, or of Telephus (Plutarch): Romulus, or Romus, or both of them, the sons of Æneas, and of Creusa, Priam's daughter (the old scholia on Lycophron in Tzetzes on v. 1226; probably also Cephalaon, Agathyllus, and Demagoras, in Dionysius) of Dexi-thea (Plutarch), of Lavinia (Apollodorus in Festus); the grandsons of Æneas, and sons of Ascanius (Eratosthenes in Servius, Dionysius of Chalcis in Dionysius). To this account also belongs Roma, the daughter of Ascanius: (Agathocles of Cyzicus in Festus). According to another account of the same Agathocles, Romulus is a still more remote descendant of Æneas: and one Alcimus (in Festus) called Romulus the son of

and Romus as the founders of the city, calling them the sons of king Latinus by a Trojan heroine, Roma, who had persuaded the women to put an end to their wanderings by setting fire to the ships: the same fable is alluded to by Lycophron⁵⁹⁹. Even Cephalaon of Gergithes, the most ancient of the writers quoted, mentioned the names both of Romulus and Romus, as the two younger of the four sons of Æneas, who is said by him to have died on the peninsula of Pallene. Ascanius shares his inheritance with them; whereupon they emigrate, and found Rome, Capua, and two fabulous cities, Anchise and Ænea⁶⁰⁰. This was copied by a Roman whose name Dionysius does not mention; and who absurdly added, that this most ancient Rome was afterward destroyed, and was rebuilt by a second Romulus and a second Remus.

Motley as are the changes that all the other circumstances undergo in the Greek stories, they speak of the two brothers very early: and hence, even when they wrote their Roman history according to native accounts, the Remus of the Latins always goes with them by the name of Romus.

Æneas, but Romus the grandson of Romulus by Alba, and the founder of the city. There is a connexion between the Trojan legend and that which terms Romus the son of Emathion, sent by Diomedes from Troy. Plutarch.

⁵⁹⁹ v. 1252, 53: where we are clearly not at liberty to read *ἔξοχον ῥώμῃ γένος* with some manuscripts, instead of *ἔξ. Ῥώμης γένος*. Roma plays a part in these fables under the most various forms. She sets fire to the ships of the Trojans, or of the Greeks; is the daughter of the virago who did so, of Italus, of Telephus, of Ulysses, of Telemachus, of Ascanius, of Evander (and thus the same with Launa who married Hercules); a priestess who prophesied to Evander (that is, Carmentis): and she is represented as wedded to Æneas, to Ascanius, and to Latinus.

⁶⁰⁰ Dionysius i. 73. The name Anchise may perhaps have been formed from Anxur.

With regard to the second opinion, which makes Rome a Grecian city founded at the time of the return from Troy, I have already mentioned that it was related by Aristotle⁶⁰¹. It is also implied in the tale that a son of Ulysses and Circe was the founder of Rome². And this must have been the notion of Heraclides Ponticus³ at the beginning, and of King Demetrius Poliorcetes⁴ soon after the middle of the fifth century; who cannot possibly have supposed that the Romans were in any other respect of Greek origin, or a colony of the later strictly Greek tribes: besides according to the Greek way of thinking, it was a politic method of acquiring influence over powerful barbarians, who would not submit to be commanded, to treat them as of Greek extraction: this was the last refinement of flattery. By these accounts the Trojan legend is excluded: it was only at a very late period that the Trojans, after they had entirely disappeared, began to be reckoned among the Greeks: Scylax terms the Elymians of Sicily Trojans and barbarians⁵. From this Greek legend Roma and the burning the ships was introduced by Callias into the Trojan one.

A similar medley prevails in Lycophron⁶, who introduces a band of Mysians under the sons of Telephus, Tarchon and Tyrrhenus, that is, of Tyrrhenians: Telephus himself was of Arcadian descent, and the Ceteians were probably a different people from the Mysians, as

⁶⁰¹ See p. 183. A writer, who related peculiarities of manners so insignificant as the custom of greeting relatives with a kiss (Plutarch *Quæst. Rom.* 6. p. 265. b.), must have had more than a superficial knowledge of Rome, though he adopted the legends of the Italian Greeks on its antiquities.

² Romus (Xenagoras in Dionysius); Romanus (Plutarch). That Romus is a national name here, is proved by those of his brothers Ardeas and Antias: so that Xenagoras belongs to the number of those who asserted the Tyrrhenian character of the city.

³ Plutarch *Camill.* 22.

⁴ Strabo v. p. 232. b: where we must read, τοὺς ἀλόντας τ. λ.

⁵ p. 4.

⁶ v. 1242. foll.

the Meonians were from the Lydians. It also occurred, as Dionysius informs us, in the chronicle which followed the succession of the Argive priestesses. In this legend the founders of the colony are Trojans; in Lycophron the brothers, the offspring of Æneas; in the Argive chronicle Æneas himself: the Greeks are companions of Ulysses. The latter hero continues to make his appearance here, even in the poems of a later age: and he too was made out to be connected with Romulus and Remus; since Latinus, who in this shape of the story again is said to have been their father by the Trojan heroine Roma, is termed the grandson of Ulysses through Telemachus⁶⁰⁷.

Apart from all these writers stand Scylax,—who applies the ennobling epithet *ἑλληνὶς* to every city of Greek origin, even when degraded by barbarian conquest, and who calls the Elymians Trojans—and others, who according to Dionysius ascribed Rome to the Tyrrhenians⁸: that is, if, like Scylax, they meant the Etruscans.

I have said that Timæus of Sicily seems to have been the first historian among the Greeks who introduced Romulus and Remus into history as remote descendants of Æneas. He wrote not many years after Callias, but cannot have adopted his opinion; for Timæus supposed the building of Rome contemporaneous with that of Carthage; and he dated the latter nearly 380 years after the destruction of Troy. Perhaps however the same account was also given by Hieronymus of Cardia, who in his history of Alexander's successors, written about the time of Timæus, gave a short relation of the early history of Rome: Dionysius censures its meagerness, as well as

⁶⁰⁷ There are some other statements concerning the foundation of Rome, which cannot be adapted to this arrangement: Romus is called by Antigonus in Festus the son of Jupiter; by an anonymous author in Dionysius the son of Italus and of Electra, the daughter of Latinus; that is to say Rome is a primeval Italian and a Trojan city.

⁸ Peripl. p. 2. See above note 597.

that of Timæus and Polybius, in whom the narrative was already become more copious⁶⁰⁹. For himself he warns the readers of those three writers not to suspect him of fabricating, should they find more in him than what those three contained, but his warning does not extend to the case of their relating what was totally different. Yet even after their time the older Grecian legend was preserved among the philologers and readers of antique curiosities who sprang up at Alexandria; among those who refused to draw from any source but the early literature of Greece. Heraclides Lembus, about the year 600, repeated Aristotle's account of the Achæans and the captive Trojan women: the old scholia on Lycophron, which perhaps, even in their original form, were of a still later date, called Romulus and Romus the sons of Creusa, the daughter of Priam: nay, even Orus of Thebes, who cites Cephallon, describes them as the sons of Æneas and founders of Rome¹⁰.

⁶⁰⁹ I. 7.

¹⁰ Etymolog. Magn. v. Καπύη and 'Ρώμη. Compare Sylburg's note. A remarkable instance of the way in which the fables received from Italy were confounded with each other, is afforded by the account taken from one Promathion in Plutarch; where the legends concerning the birth of Romulus and that of Servius are mixed up together in the strangest manner.

ROMULUS AND NUMA.

THE old Roman legend ran as follows: Procas king of Alba left two sons: Numitor, the elder, being weak and spiritless, suffered Amulius to wrest the government from him, and reduce him to his father's private estates. In the possession of these he lived rich, and, as he desired nothing more, secure: but the usurper dreaded the claims that might be set up by heirs of a different character. He therefore caused Numitor's son to be murdered, and appointed Silvia, his daughter, one of the vestal virgins.

Amulius had no children, or at least only one daughter; so that the race of Anchises and Aphrodite seemed on the point of expiring, when the love of a god prolonged it, in opposition to the ordinances of man, and gave it a lustre worthy of its origin. Silvia had gone into the sacred grove, to draw water from the spring for the service of the temple: the sun quenched its rays; the sight of a wolf made her fly into a cave⁶¹¹; there Mars overpowered the timid virgin; and then consoled her with the promise of noble children, as Posidon did Tyro, the daughter of Sal-moneus. But he did not protect her against the tyrant, nor did her protestations of her innocence save her: the condemnation of the unfortunate priestess seemed to be exacted by Vesta herself; for at the moment of the

⁶¹¹ I insist in behalf of my Romans on the right of taking the poetical features wherever they are to be found, when they have dropt out of the common narrative. In the present case they are preserved by Servius on *Æn.* i. 274: the eclipse by Dionysius ii. 56, and Plutarch *Romul.* c. 27.

childbirth her image in the temple hid its eyes, her altar trembled, and her fire died away⁶¹²: and Amulius was allowed to command that the mother and her twin babes should be drowned in the river¹³. In the Anio Silvia exchanged her earthly existence for deity: and the river was enabled to carry the bole or cradle wherein the children were laid, into the Tiber, which had at that time overflowed its banks far and wide even to the foot of the woody hills. At the root of a wild figtree, the Ficus Ruminalis, which continued to be preserved and held sacred for many centuries at the foot of the Palatine, the cradle overturned. A shewolf had come to slake her thirst in the stream; she heard the whimpering of the children, carried them into her den hard by¹⁴, made a bed for them, licked and suckled them: when they wanted something more than milk, a woodpecker, the bird sacred to Mars, brought them food: other birds consecrated to auguries hovered over the babes, to drive away noxious insects. This marvellous spectacle was beheld by Faustulus, the shepherd of the royal flocks: the shewolf gave way to him, and resigned the children to human nurture. Acca Larentia, the shepherd's wife, became their fostermother; they grew up along with her

⁶¹² Ovid. Fast. III. 45.

¹³ In poetry of this sort we have no right to ask; why she was thrown into the river?—whichever of the two it may have been:—and not into the Alban lake?

¹⁴ It is remarkable how even those who did not renounce the poetry of the narrative, endeavoured to reduce it to a minimum; to the fostering care of the wolf at the moment when she first found the little orphans by the Ficus Ruminalis: as if in this case, as well as that of S. Denis, every thing did not depend on the first step. The Lupercal itself bears witness to the genuine form of the fiction; and the conception of the two poets accorded with it. Virgil gives a description of the cave of Mavors: Ovid sings (Fast. III. 53.), *Lacte quis infantes nescit crevisse ferino, Et picum expositis sæpe tulisse cibos*. Nor did the poetical feature escape Trogus: *cum sæpius ad parvulos reverteretur*. The story of the woodpecker and its *ψωμίσματα* could not have been invented of newborn infants.

twelve sons⁶¹⁵ on the Palatine hill, in straw huts which they built themselves: that of Romulus was preserved by continual repairs down to the time of Nero, as a sacred relic. They were the most active of the shepherd lads, brave in fighting against wild beasts and robbers, maintaining their right against every one by their might, and converting might into right. Their spoil they shared with their comrades; the adherents of Romulus were called Quinctilii; those of Remus Fabii: and now the seeds of discord were sown. Their wantonness engaged them in disputes with the shepherds of the wealthy Numitor, who fed their flocks on mount Aventine: so that here, as in the story of Evander and Cacus, we find the quarrel between the Palatine and the Aventine in the tales of the remotest times. Remus was taken by a stratagem of these neighbours, and dragged to Alba as a robber. A foreboding, the remembrance of his grandsons awakened by hearing the story of the two brothers, restrained Numitor from a hasty sentence: the culprit's fosterfather hurried with Romulus to the city, and told the old man and the youths of their mutual relation. The youths undertook to avenge their own wrong and that of their house: with their trusty comrades, whom the danger of Remus had summoned into the city, they slew the king; and the people of Alba became again subject to the rule of Numitor.

This is the old tale, such as it was written by Fabius, and sung in ancient sacred lays down to the time of Dionysius¹⁶. It certainly belongs to anything rather than history: its essence is the marvellous; we may strip this of its peculiarities, and pare away and alter, until it is reduced to a possible everyday incident; but we ought to be firmly convinced, that the caput mortuum which

⁶¹⁵ Masurius Sabinus in Gellius N. A. vi. 7.

¹⁶ I. 79. ὡς ἐν τοῖς πατρίοις ὕμνοις ὑπὸ Ῥωμαίων ἔτι καὶ νῦν ᾄδεται.

will remain, will be anything but a historical fact. Mythological tales of this sort are misty shapes, often no more than a Fata Morgana, the prototype of which is invisible, the law of its refraction unknown; and even were it not so, still it would surpass any powers of reflexion, to proceed so subtly and skilfully, as to divine the unknown prototype from these strangely blended forms. But such magical shapes are different from mere dreams, and are not without a hidden foundation of real truth. The name of dreams belongs only to the fictions imagined by the later Greeks, after the tradition had become extinct, and when individuals were indulging a wanton licence in altering the old legends; not considering that their diversity and multiplicity had been the work of the whole people, and was not a matter for individual caprice to meddle with.

Love for the home that fate had assigned them, recalled the youths to the banks of the Tiber, to found a city there. The territories of the more ancient towns in the neighbourhood, Antemnæ, Ficulea, Tellena, confined them to a narrow district; and that of Rome cannot be conceived to have extended at first in the direction of Alba so far as Festi, a place between the fifth and sixth milestones; where, as at the border of the original *ager Romanus*, the Ambarvalia were solemnized yearly in the reign of Tiberius⁶¹⁷. The shepherds, their old comrades, were their first citizens; the story of their being joined by Albans, nay even by Trojan nobles, is certainly no part of the ancient tradition: the Julii and other similar houses do not appear till after the destruction of Alba. Being left to themselves, with equal authority and power, the brothers now disputed which was entitled to the honour of being the founder of the city, and of calling it after his name Roma or Remoria; and whether it was to be built on the Palatine or the Aventine; or, according to another tradition, whether on the

617 Strabo v. p. 230. a.

Palatine, or four miles further down the river⁶¹⁸. Each observed the heavens from the top of his chosen hill: he whom the augury should favour, was to decide as king. A person who sought for auspices used to rise in the stilness of midnight, to determine in his mind the limits of the celestial temple, and then wait for presaging appearances. The whole day passed, and the following night: at length Remus had the first augury, and saw six vultures flying from north to south; but at sunrise, when these tidings were announced to Romulus, a flock of twelve vultures flew by him. Right was on the side of his brother: but Romulus boasted of the double number of his birds as an evident sign of divine favour; and his party being the stronger confirmed his usurpation¹⁹.

It seems as if this augury of the twelve fated birds had originally been a poetical mode of expressing an Etruscan prophecy, that a period of twelve secles was allotted to Rome: and as if it was not till afterward that the allegory assumed the shape of a legend, and was then expounded back again into its first meaning: this was done so early as Varro's time by a celebrated augur named Vettius²⁰. The prophecy was never forgotten, and in the twelfth century of the city, which is divided between the fourth and fifth of our era, filled all the adherents of the old religion with alarm; as every thing was visibly

⁶¹⁸ This would probably be the hill beyond S. Paolo. I have no doubt that there was a place called Remoria; and this eminence is very well adapted for a town, the air being healthy. Ennius too must have had a more distant spot in his mind; since with him Romulus makes his observations on the Aventine, p. 19. And this accords with the legend of the javelin which Romulus, after taking the auguries, hurled to the Palatine, where it caught root, and where the cornel-tree that sprang from it was shewn down to the time of Caligula. Servius on *Æn.* iii. 46. Plutarch *Romul.* c. 20. *Argum. Metam.* xv. fab. 48.

¹⁹ Ennius says nothing of the birds seen by Remus: much less does his account admit fraud on the part of Romulus.

²⁰ Varro l. 18. *Antiquitatum*, in Censorinus, 17. From his name he should be a Marsian. See Vossius on Velleius ii. 16.

verging toward ruin, and their faith was oppressed. According to Varro's *Fasti* the twelfth secle, if each, after the custom of the later Romans, was assumed equal to a century, would end with the year 446: but although the train of calamities that broke in with the fifth century of our era, gave an air of probability to this interpretation in the minds of those who were then living, a Tuscan aruspex would nevertheless have rejected it. As an average number for secles of an indefinite length determined by the life of man, and as an astronomical cyclical period, 110 years were properly the measure of a secle⁶²¹. This brings the sum of the years contained in twelve secles to 1320, and the end of the term assigned to Rome to an epoch when it may be said with strict truth that the city of Romulus ceased to exist. According to Varro's chronology the twelfth secle would have ended with A.D. 566: according to Cincius, to whom the Etruscan, on grounds that will appear further on, would probably have given the preference, with A.D. 591, the first year of the pontificate of Gregory the Great. In either case the time expires in the latter half of the sixth century of our era: when the city, after having been more than once taken by storm, saw the remnant that the sword had spared, wasting away by hunger and pestilence; when the senate and the old families which were still left, were exterminated by Totila, so that scarcely the name of senator, or a shadow of a municipal constitution survived; when Rome was subjected to the degrading rule of an Eastern exarch who resided at a distance from her; when the old religion, and along with it all hereditary usages, were abolished, and a new religion was preaching other virtues and another kind of happiness exclusively, and was condemning sins unreproved by the old morality; when the ancient sciences and arts, all old memorials and monuments, were looked upon as an abomination, the great men of ancient times as doomed to

⁶²¹ Censorinus 17. See above, p. 135.

hopeless perdition; and Rome, having been disarmed for ever, was become the capital of a spiritual empire, which after the lapse of twelve centuries we have seen interrupted in our days. The Tuscan would perhaps also have interpreted the six secles corresponding to the legitimate augury of Remus, as signifying the duration of the legal and free constitution, and have reckoned them down to the times of Sylla or of Cæsar: for every interpretation of a prophecy requires free room; and this might have been justified in either way.

The foundation-day of Rome was celebrated on the festival of Pales, the 21st of April; when the country people, the earliest inhabitants of Rome, besought the goddess of shepherds for the protection and increase of their flocks, and for pardon for the involuntary violation of consecrated spots, purifying themselves by passing through a strawfire: like those which it was the custom in the middle ages to kindle on Mayday.

Romulus now set about determining the pomœrium⁶²²: he fixed a copper share on a plough, yoked a bullock and a heifer to it, and drew a furrow round the foot of the Palatine, so as to include a considerable compass below the hill. The person who thus marked out a pomœrium, was to guide the plough so that all the clods should fall inward: he was followed by others who took care that none was left turned another way. In the Comitium²³ a vault was built under ground, and filled with firstlings of all the natural productions that sustain human life, and with earth which each of the foreign settlers had brought with him from his home: this place was called *Mundus*, and was the

⁶²² I reserve what I have to say on the signification of the pomœrium, and on the course of the one attributed to Romulus, that I may not interrupt the account of the legend. See the text to note 734.

²³ A line drawn between 100 and 200 paces to the south of and parallel with one running from S. Maria Liberatrice to what was once called the temple of Concord (the Basilica of the Cæsars), would pass through the Comitium.

door of the nether world, which was opened on three several days in the year for the spirits of the dead⁶²⁴.

On the line of the *pomœrium* the city was inclosed with a wall and ditch. Remus, still resenting the wrong he had suffered, leapt in scorn over the puny rampart: for this he was slain by Celer, or by Romulus himself; and his death was an omen that none should cross the walls but to his own destruction. Romulus however abandoned himself to grief, rejecting comfort and food; until the shade of Remus appeared to their foster-parents, and promised to be reconciled to him on condition of a festival for the souls of the departed²⁵. As a permanent mark of honour, a second throne was set for him by the side of the king's, with the sceptre, crown, and other badges of royalty²⁶.

The new city was open to receive every stranger: exiles, and fugitives for homicide, who commonly could only get leave to dwell as sojourners in a foreign land, even runaway slaves and criminals, were welcome²⁷. These fellows however were single and wanted wives; Romulus endeavoured to form treaties with the neighbouring tribes, such as were necessary in Italy as well as in Greece, to render marriages with foreigners legitimate²⁸: but the wild suitors were regarded with dislike, and the dangerous horde they belonged to with disquietude. The refusal was

⁶²⁴ Plutarch *Romul.* c. ii. Festus v. *Mundus*.

²⁵ The *Lemuria*. Ovid. *Fast.* v. 461—480.

²⁶ Servius on *Æn.* i. 276.

²⁷ Still in ancient times this rabble cannot have been conceived to have formed any considerable part of the population: for the asylum was a small inclosure on the Capitoline hill, and in its quality of asylum could only afford protection within its precincts.

²⁸ From this it is clear that in this earliest legend Rome was no way considered as a colony of Alba or as a Latin city: much less was anything said about an emigration of noble houses. Had Rome been a colony, it would have had the right of intermarriage with all the Latin cities from the first. I am here still speaking only of that consistency in which old poetical fictions are by no means deficient, and not as of historical events.

insultingly exprest: they who gave it, fancied, like all who think haughtily of themselves, that the humbled party would feel conscious of deserving the rebuke for their presumption. Hence they conceived no suspicion, when Romulus proclaimed that festive processions and games were to be held in celebration of the Consualia⁶²⁹, and invited his neighbours, the Latins and Sabines, to attend them; for Rome stood where the territories of those two nations ran into one another. A number of people came as to a fair; indeed festivals of this kind were always fairs, and in Italy, as in Greece and in the East, were under the safeguard of religion: but neither religion nor the laws of hospitality protected the deceived strangers, and their maidens were carried off³⁰. The old legend spoke of no more than thirty captives; this cannot be denied, but it has been admitted with reluctance³¹; and even by Livy, though he tells the tale of these times like a history, without meaning it for one; his poetical feeling enabling him to comprehend these ages better than those in which historical light was beginning to dawn.

⁶²⁹ This festival, sacred to the god of secret deliberations, was solemnized symbolically by uncovering an altar buried in the earth: hence the history of Romulus has been enriched with the tale, that his finding this altar was the occasion or pretext of the festival.

³⁰ The rape was almost universally placed in the fourth month of the first year of the city. But this must not be considered as resting on any tradition: the Consualia being celebrated in Sextilis, there were four months between that and the Palilia. Cn. Gellius alone dated the rape in the fourth year; and not without the approbation of Dionysius (ii. 31.). Now here we have an evident falsification: his good sense told him it was impossible a stroke of this sort should have been hazarded before the city was fortified, and he made use of the number which had been assigned to the month; concluding that the old legend had confounded the month and the year.

³¹ Plutarch Romul. c. 14: and Livy i. 13. *Id non traditur, cum haud dubie aliquanto numerus major hoc mulierum fuerit, ætate an dignitatibus an sorte lectæ sint, quæ nomina curiis darent.* He did not observe how uniformly this number, thirty, runs through the legends as well as the institutions of ancient Rome.

The nearest three of the outraged cities, which belonged to the Latins or Siculians, Antemnæ, Cænina, and Crustumerium, took up arms without concert; while the Sabines lingered until they had all three fallen one after the other, and Romulus had won the royal spoils from Acron of Cænina; whose Greek name is a proof that Pelasgian recollections lived on in the legends of very late times. At last the Sabine king, Titus Tatius, led a powerful army against Rome. Unable to resist him in the field, Romulus retreated into the city, over against which the Saturnian hill, afterward called the Capitoline, was fortified and garrisoned: a swampy valley, the site of the Forum, parted the two hills. The golden bracelets and collars of the Sabines⁶³² dazzled Tarpeia: bribed by them she opened a gate of the fortress entrusted to the command of her father: the load of the ornaments hurled upon her crushed her, and she expiated her crime by her death. Yet her grave was to be seen upon the hill; and it was asked by wrongheaded sceptics, whether it was conceivable that such an honour should have been paid to a traitress? they forgot that the hill continued in the hands of the Sabines.

The remembrance of her guilt is still living in a popular legend. The whole of the Capitoline hill is pierced with quarries or passages constructed in very remote times through the loose tufo: many of these have been blocked up; but near the houses erected upon the rubbish which covers the hundred steps, on the side of the Tarpeian rock facing the forum, beside some ruinous buildings known by the name of the Palazzaccio, several

⁶³² The Roman poet conceived the poor Sabines to be covered with gold, as Faurel observes that the bards of modern Greece do their Clepts. Here are the marks of popular poetry too clear to be mistaken by any who have eyes to see: it is in the very spirit that created all the splendour and the treasures in the house of Menelaus. The fiction in Propertius (iv. 4.) seems to be a transfer, unwarranted by any tradition, from the story of the Megarian Scylla.

of them are still accessible. A report that there was a well here of extraordinary depth, which must have been older than the aqueducts, since no one would have spent the labour on it afterward, and by which no doubt the garrison was supplied with water during the siege by the Gauls, attracted me into this labyrinth: some girls from the neighbouring houses were our guides, and told us as we went along, that in the heart of the hill the fair Tarpeia⁶³³ is sitting, covered with gold and jewels, and bound by a spell; that no one, try as he may, can ever find out the way to her; and that the only time she had ever been seen was by the brother of one of the girls. The inhabitants of this quarter are smiths and common victuallers, without the slightest touch of that seemingly living knowledge of antiquity, which has been drawn by other classes of the Romans from the turbid sources afforded by vulgar books. So that genuine oral tradition has kept Tarpeia for five and twenty hundred years in the mouth of the common people, who for many centuries have been totally strangers to the names of Cloelia and Cornelia.

The Sabines next attempted to storm the city: it was on the point of falling; the gods disputed what should be its destiny and that of the world: Juno, who was adored with peculiar honours at Cures, was favorable to the Sabines and hostile to the race of Æneas; she opened a gate, which no human force could shut; but at the command of Janus a boiling spring gushed forth, and repelled the assailants*.

The next morning Romulus made an equally fruitless attack on the lost fortress: but it was not in vain that he vowed a temple to the flight-staying Jupiter, when his troops had been repulsed and had fled to the gate at the bottom of the Palatium. During the whole day

⁶³³ The expression *la bella Tarpeia*, like *la bella Cenci*, implies a feeling of tenderness for an acknowledged criminal.

* Macrobius Saturnal. i. 9.

victory continued to shift from one army to the other, and neither despaired of securing it: when the Sabine women, no longer wishing for revenge, the time of which was past, but for a reconciliation between the fathers of their children and their own, rushed in betwixt the contending armies and brought about a peace. The two nations were to be inseparably united into the one state of the Romans and the Quirites, each however continuing distinct and under its own king: their temples and religious ceremonies were to be common to both.

The women had been the preservers of Rome: Romulus rewarded them with honours for themselves and the whole class of matrons. The curies were called by the names of the Sabine wives: an exemption was guaranteed to them and to all married women for ever from every kind of household service except spinning and weaving. Every man was to make way for a matron that met him; whoever hurt her modesty by a wanton word or look, was guilty of a capital offense; the right of inheriting on the same footing with a child⁶³⁴ was conferred on the wife if she wished it: but if any husband should abuse this parental power, and sell his wife as he was allowed to sell his child, he was devoted to the infernal gods. He might divorce his wedded wife for adultery, for poisoning his children, or for counterfeiting the keys entrusted to her: if he put her away without any of these grounds, one half of his property was forfeit to the woman he had injured, the other to the temple of Ceres³⁵.

⁶³⁴ By the *conventio in manum*. See Dionysius II. 25.

³⁵ Plutarch Romul. c. 22. This head of law seems from all analogy to be of plebeian origin (see the text to note 1373): but the tradition connecting it with the poetical tale of the Sabine women is unquestionably ancient, and very pleasing. When a marriage had been solemnized with the religious sanction of the *confarreatio*, a divorce was so difficult as to be scarcely possible; but the husband might put his guilty wife to death: when the marriage had not been solemnly contracted, so as to produce the *conventio in manum*, the parties were always allowed to separate at discretion.

The Sabines built a new city on the Capitoline hill which they had taken and on the Quirinal: Tatius resided on the former, and dedicated temples there to his native gods. The two kings and their senates met for important deliberations between the Capitol and the Palatium; and the ruling houses in their combined assemblies must have done the same: hence the name of the Comitium. Even in the old tradition there seems to have been some inconsistency, as to whether Tatius continued to be king of the whole Sabine nation, or the joint sovereignty was confined to the citizens of the double city. That sovereignty did not last long: Tatius was killed, during a national sacrifice at Lavinium, by some Laurentines, to whom he had refused satisfaction for certain acts of violence committed by some of his kinsmen: his grave was on the Aventine⁶³⁶. Henceforward Romulus ruled over both nations. His dilatoriness in accepting the atonement offered for the murder of his colleague brought a pestilence upon the Romans and the Laurentines, which did not cease until the guilty persons were delivered up on both sides.

This is the end of the heroic lay, which, beginning with the establishment of the asylum, forms a poetical whole. All the incidents are related either with determinate and nearly consecutive epochs, or without mention of the interval between them, but in such a way, that in the old tradition they must have been meant to follow very closely on one another, and to have been accomplished with great rapidity³⁷. Totally distinct from these events

⁶³⁶ Plutarch Romul c. 23. There is an evident connexion between this legend and the statement that the Sabines received settlements on the Aventine from Romulus (Varro in Servius on *Æn.* vii. 657): it is no less obvious that the latter arose from confounding the Quirites with the plebeians.

³⁷ In the Trojan war the events which precede the anger of Achilles, are very far from filling up the nine years that had elapsed: the reader may see in Dictys (whom by the way I recommend to his attention,

stands the account of the Etruscan wars in the long period which intervened before the death of Romulus; an account unhistorical, clumsy, fabulous as the romances of chivalry, without the spirit or features of a poem. One of the campaigns, in which Fidenæ is taken, is related almost precisely in the same way as the capture of the same city in the year 328: such transfers from a historical to the mythical age were frequently resorted to by the barren invention of the annalists. Another campaign against Veii, after a number of battles, in one of which more than half the fifteen thousand Etruscans left on the field fall by the hand of Romulus, is ended by a truce for a hundred years, purchased by the cession of an extensive territory and of the saltmarshes near the coast. These wars, spread through a reign of thirty-seven years, will never enable any one who looks upon these accounts as historical, to recognize Romulus as the restless warlike prince, that fame has always described him. For poetry they are enough: thus in the German national epic poem, the Niebelungen lay, several years are allowed to elapse without any exploits, after the hero's fame has once been established.

The poem appears again in its full splendour when Romulus is removed from the earth: all between is a sorry addition.

In the old legend, which Cicero and Livy have preserved in the greatest purity out of Ennius, there is nothing about the government of Romulus, which if not unblemished was glorious, degenerating into violence and tyranny. Tatius it branded as a tyrant: after his death it makes the rule of Romulus become more legal and milder: he consulted the senate on all matters, and

among other things as an imitator of Sallust's style—*optimorum æmulus* he is called by the great Gronovius—) how it was attempted to do this; and may there find an example of the manner in which epic poetry is often transformed into every-day history.

chastised the refractory, not with corporal punishments, but with fines of cattle⁶³⁸. The Celeres, whom later writers converted into his body-guard, were no other than the knights; nor was anything ever known in early times of his having been an object of hatred to the senate. Ennius seems to have represented Mars imploring the father of gods and men to deliver Ilia and his children; when Jove, to console him for their inflexible destiny, promised to take up Romulus to heaven³⁹. The time was accomplished; Juno was reconciled to the Trojan race, as she had been to Hercules. On the nones of Quinctilis, or on the Quirinalia⁴⁰, as the king was reviewing his people, the sun withdrew its light⁴¹; and while the earth was lying in darkness, Mars descended in a hurricane and tempest, and bore away his perfected son in a fiery chariot⁴² to heaven. The people had dispersed in consternation: when the daylight returned, they sought anxiously for their father, the child of the gods, who had brought them forth into the realms of light⁴³; but their lamentation gave way to religious reverence, when the glorified hero had appeared to Proculus Julius⁴⁴, and bid him announce that he would watch over his people as the god Quirinus.

These are the main features of the traditional tale, as it was held sacred for centuries by the Romans, and

⁶³⁸ For the former point see Ennius, p. 139; for the latter Cicero de Re p. ii. 8. 9.

³⁹ This explains the verse, *Unus erit quem tu tolles ad cœrula cœli*, p. 34. Compare Ovid Fast. ii. 487.

⁴⁰ The Quirinalia according to Ovid Fast. ii. 475.

⁴¹ Cicero de Re p. i. 16. *Solis defectio quæ nonis Quinctilibus fuit, regnante Romulo; quibus—Romulum—tenebris—natura abripuit.* Most of the passages before known on this point are collected by Scaliger Emend. Temp. p. 395.

⁴² Quirinus Martis equis Acheronta fugit; Horace.—*Rex patriis astra petebat equis*: Ovid Fast. ii. 496.

⁴³ Ennius in Cicero de Re p. i. 41. If we had the first three books of Ennius, we should know what sort of poet he was.

⁴⁴ Between the palace of monte Cavallo and the Porta Pia.

commemorated in sacred songs. But there came a time when simple faith had lost its strength, and when the esteem for real history had risen in proportion as the period it comprised was longer, and as the nation's political character had grown in greatness and importance: and then appeared writers by whom the whole body of the old traditions was perverted, as was this particular one in the grossest manner. These were the writers whom Dionysius and Plutarch mention with approbation, calling them rational men, who related what was probable, and held to what was natural⁶⁴⁵: and among their number, the person whom I believe to have introduced this practice, although it had earlier models among the Greeks, or who at least adopted it more uniformly than any other annalist, was L. Piso the censor, a contemporary of the Gracchi; in other respects a worthy and honorable man, but who in what we know of his annals betrayed great narrowness of mind and perversity of judgement. The wish of these historians was to gain the whole of the mythical age for history: their assumption, that the poetical stories always contained a core of dry historical truth: and their system, to bring this core to light by stripping it of everything marvellous⁴⁶.

The results of this attempt were extremely various: in the legend of Romulus the turn was given principally by Livy. The way in which the poetical tale of Silvia

⁶⁴⁵ οἱ τὰ πιθανώτατα γράφοντες—οἱ τὰ μυθώδη πάντα περιαιροῦντες. Dionysius. τῶν εἰκότων ἐχόμενοι. Plutarch.

⁴⁶ Happy they who in the sultry days of Augustus could refresh themselves with the simplicity of their ancestors! Among those who were incapable of doing so, the dull falsifiers of history are not more offensive, than the men who helped themselves out with a pneumatology, such as we find traces of in Dionysius: where instead of Mars Gradivus, whose personality they were ashamed to admit, some demon, "whose existence was generally believed," is said to have been the deflourer of Ilia. Men could reconcile themselves to this kind of belief in goblins, or at least to professing it; and so effect a compromise and even an alliance with bigotry.

and her children, down to the vengeance inflicted on Amulius, was metamorphosed, may be seen in Dionysius and Plutarch by any who can overcome the disgust inspired by vulgar dulness conceited of its superiority in wisdom: Livy has not condescended to mention it, and thereby has condemned it to obscurity. Unfortunately he has not treated the explanation of the disappearance of Romulus with the same contempt; and hence it has taken deep root. That a mortal man should be clothed with a radiant body and carried up to heaven, was of course impossible: but with regard to the secret anecdote, that the senators had murdered the king during the gloom of a tempest—it was not even an eclipse—and had torn him piecemeal, as Pentheus was torn by the Bacchanalians, and had carried away his bloody limbs hidden under their gowns, here neither was the deed considered as physically impossible, nor the loathsome scene of mangling butchery as morally so. In the later writers we cannot help being surprised at this: but that a story so atrocious should have been fabricated in ancient Rome, is an instance how the feelings are poisoned by party animosity; the patricians were held to be capable of the worst enormities. The death of Remus was made out to have been a mischance during a civil feud: the Sabine war grew, from the contests of a few days, into a tedious hardfought campaign, with pitched battles between great armies. To this war Piso⁶⁴⁷ referred the origin of the Curtian lake, for the sake of ridding Roman history of another heroic legend: according to him Mettus Curtius, a Sabine, had almost sunk with his horse into the swamp: the same Piso exalted Tarpeia from a venal traitress to a heroine, an utterly thoughtless and mad one indeed, whose intention was to sacrifice herself for her country⁴⁸.

⁶⁴⁷ Varro de l. l. iv. 32. p. 41.

⁴⁸ She is described as having planned to make the Sabines deliver up their arms and armour to her by virtue of their oath, and to consign

To such lengths could even honest men go, when devoid of understanding, of feeling, and of judgement: but after these had paved the way, came the shameless forgers, whose traces are especially visible in the numbers. Livy himself, when speaking in general terms, treats the enormous numbers fabricated by Valerius Antias with contempt, though he is not on his guard against them in particular cases: as worthless as any is his statement and that of Juba about the number of the ravished virgins⁶⁴⁹; and his silly exaggerations are equally manifest in the numbers of the armies during the Sabine war, and that of the military force which Romulus had at his command before his death⁵⁰.

I am sorry to have been obliged to say so much on such wretched subjects: but it is important to shew the nature of that idol, before which, so liable is fashion to change, our posterity may perhaps be required hereafter to bend the knee.

I return to the old legend. The senate at first would not allow the election of a new king: every senator was to enjoy the royal power in rotation as interrex. In this way a year passed; the people, being more oppressively treated than before, were vehement in demanding the election of a sovereign to protect them: when the senate had permitted it to be held, the Romans and Sabines disputed out of which nation the king should be chosen. It was adjusted that the former should elect him out of the latter, and all voices concurred in naming the wise and pious Numa Pompilius of Cures; to whom Tatius had married his daughter.

them when thus disarmed to the Romans: the arms were to be laid down on the Capitol, where not a Roman, except some prisoners perhaps, was to be found. Dionysius ii. 36. It is not superfluous to shew the extreme stupidity of much that would fain pass for history.

⁶⁴⁹ Plutarch Romul. c. 14. Dionysius ii. 30. 47.

⁵⁰ 46000 foot, and about 1000 horse: Dionysius ii. 16.

The discourse on the early history of Rome which Cicero puts into the mouth of Scipio, is entirely taken from Polybius: consequently Polybius found the persuasion, that Numa had been the disciple of Pythagoras, very generally diffused in his time; indeed so diffused at Rome that he tried to prove the impossibility of the fact by a chronological deduction, which was borrowed from him by Dionysius. The same persuasion then probably was also exprest by Cato, who, even though acquainted with the chronological tables of Eratosthenes, might very possibly be ignorant of the age of the Samian Pythagoras. Unfortunately Polybius can hardly have learnt, that by oriental writers Pythagoras was referred to the reign of Assarhaddon⁶⁵¹, who was contemporary with Numa. An impartial critic, who does not believe that the son of Mnesarchus alone is to be regarded as Pythagoras; or that what Aristoxenus and the older writers left undecided, has been settled by chronologers having made up their minds on the question; or that there is any kind of necessity for placing Numa in the twentieth Olympiad; or in fine that the historical personality of Pythagoras is more certain than that of Numa; one who so thinks will be pleased with the old popular opinion, and will not sacrifice it to chronology. The senate, when in the Samnite war it erected a statue to Pythagoras as the wisest of the Greeks*, must probably have also looked upon him as the teacher of Numa: the Greek books found in Numa's grave are said to have contained Pythagorean doctrines†: the Æmilii traced their origin to a son of the Grecian sage. On the Greek side the account quoted from Epicharmus⁵², that the Romans had conferred the franchise of their city on Pythagoras, would be extremely important, could the work containing it be considered as

⁶⁵¹ Abydenus, in the chronicle of Eusebius, Venet. ed. i. p. 53.

* Plutarch Numa c. 8. p. 65. d. † Livy XL. 29. Pliny XIII. 27.

⁵² From a prose work: Plutarch Numa c. 8.

genuine: even if spurious, it is evidence of a current opinion, that the influence of the Pythagoreans had penetrated to Rome.

When Numa was assured by the auguries that the gods approved of his election, the first care of the pious king was directed, not to the rites of the temples, but to human institutions. He divided the lands which Romulus had conquered and had left open to occupancy: he founded the worship of Terminus. All ancient legislators, and above all Moses, rested the result of their ordinances for virtue, civil order, and good manners, on securing landed property, or at least the hereditary possession of land, to the greatest possible number of citizens. It was not till after he had done this that Numa applied himself to legislate for religion. He was revered as the author of the Roman ceremonial law. Instructed by the Camena Egeria, who was espoused to him in a visible form, and who led him into the assemblies of her sisters in the sacred grove⁶⁵³, he regulated the whole hierarchy; the pontiffs, who by precept and chastisement kept watch that the laws relating to religion should be observed both by individuals and by the state; the augurs, whose calling it was to afford security for the counsels of men by piercing into those of the gods; the flamens, who ministered in the temples of the supreme deities; the chaste virgins of Vesta; the Salii, who solemnized the worship of the gods with armed dances and songs. He prescribed the rites with which the people might offer such worship and prayer as would be acceptable to the gods. To him were revealed the conjurations for compelling Jupiter himself to make known his will by lightnings and the flight of birds; whereas others were forced to wait for these prodigies from the favour of the god, who was often silent to such as were doomed to destruction. This charm he had learnt from Faunus and Picus, whom

⁶⁵³ Below S. Balbina, near the baths of Caracalla.

by the advice of Egeria he had enticed and bound in chains, as Midas bound Silenus in the rosegarden. From the pious prince, the god brooked this boldness: at the entreaty of Numa he exempted the people from the terrible duty of offering human sacrifices: but when the audacious Tullus presumptuously imitated his predecessor, he was killed by a flash of lightning during his conjurations in the temple of Jupiter Elicius. The thirty-nine years of Numa's réign, which glided away in quiet happiness, without any war, without any calamity, afforded no legends but of such marvels. That nothing might break the peace of his days, the ancile fell from heaven when the land was threatened with a pestilence, which disappeared as soon as Numa had ordained the ceremonies of the Salii. Numa was not a theme of song, like Romulus; indeed he had enjoined, that among all the Camenæ the highest honours should be paid to Tacita. Yet a story was handed down, telling how, when he was entertaining his guests, the plain food in the earthenware dishes was transformed on the appearance of Egeria into a banquet fit for gods in vessels of gold; to the end that her divinity might be made manifest to the incredulous. The temple of Janus, his work, continued always shut; peace was spread over all Italy; until Numa, like the darlings of the gods in the golden age, fell asleep, full of days: Egeria melted away in tears into a fountain.

BEGINNING AND NATURE OF THE EARLIEST HISTORY.



It was recorded by the keepers of the Sibylline books, that the first secular festival after the expulsion of the kings was celebrated in the year 298; and that from that time forth it always recurred after an interval of 110 years, such being the duration of a secle⁶⁵⁴. This statement is at variance with the accounts in the annals, which recorded the celebration of the secular festivals in very different years: but, though the annalists would have no weight at all, if they really stood in contradiction to the authentic books, we need not suppose that the books noted down anything more than the close of a secle, and the epoch when, by the precepts of the ceremonial law, the beginning of a new one should have been solemnized by the people, in gratitude for the continuance of its existence into a new period; and they probably did so without regarding whether the celebration was deferred from peculiar circumstances, as was so often the case with a festival vowed to the gods.

If we go back following the same principle from that first secular epoch of which a historical register was preserved, the end of the first, or rather the beginning of the second secle, falls in the year of the city 78. I say, the beginning of the second: for it is evidently beyond comparison more probable, that the beginning of a new period should have been celebrated with a joyful solemnity,—

⁶⁵⁴ Censorinus, c. 17.

as it was by the Aztecs⁶⁵⁵, by whom the renewal of their secle was looked forward to with anxious doubt,—than the end of an expiring one, which, like all decease and termination, must rather have excited melancholy feelings. Now according to the chronology of the pontiffs this year was the first in the reign of Tullus Hostilius: according to the pontiffs, I say; for their table was adopted by Polybius in his Roman chronology⁵⁶, and he is the authority followed by Cicero in fixing the years of the Roman kings⁵⁷. It was the pontiffs therefore, who, as Scipio does in Cicero, assigned seven and thirty years to Romulus, nine and thirty to Numa⁵⁸, between whom falls the year of the interreign; whereas Livy and Dionysius reckon forty-three years for Numa.

This is now ascertained by the positive testimony of Cicero: when I first undertook these inquiries, it was to be divined, with the help of some boldness, from a trace, not indeed a very distinct one, in Saint Jerom's translation of the chronicle of Eusebius, where 240 years are assigned to the reigns of the seven Roman kings, forty to Numa, and thirty-eight to Romulus⁵⁹. It is true, the number of years did not come out precisely right; and this might appear to the overcautious a sufficient ground for shrinking from the application and inference as rash: the certainty we have now accidentally obtained by the

⁶⁵⁵ See the text to note 726.

⁵⁶ In Dionysius, I. 74, the text runs: ἐπὶ τοῦ παρὰ τοῖς Ἀγχιστεῦσι κειμένου πίνακος—τὴν πίστιν ἀπολαβεῖν. But no such town as Anchise probably ever existed save in Cephalon's brain; assuredly it did not in the age of Polybius. The inhabitants of Anxur he calls Tarra-cimites. Three Vatican manuscripts give ἀγχιστεῦσι: I read ἀρχιερεῦσι, which word Polybius uses for the pontiffs (xxiii. 1. 2. xxxii. 22. 5.), though Dionysius calls them *ιερομνήμονες*, and not for the supreme pontiff alone.

⁵⁷ This he says expressly *de Re p.* II. 14.

⁵⁸ Cicero *de Re p.* II. 10. 14.

⁵⁹ *Chronicon* in *Thes. Tempor. Scaligeri*, n. 1265, 1303. 1304.

discovery of the books on the Republic, furnishes a proof that, with regard to those accounts which have been preserved from ancient times only by ill informed and hasty compilers, the injury they have suffered in passing through such hands, ought not to be allowed to determine the only shape in which we are to make use of them. In numberless cases the original form is not too much disfigured to be guessed at: there may frequently be hazard in such a process; but that which will not admit of being abused, is good for nothing.

The light which I gained in a fortunate hour with regard to the seemingly inexplicable discrepancies in Roman chronology, arose from my remarking that the ground on which Fabius differed from Cato, lay in his reckoning only 240 years for the time of the kings: and for this I was indebted to the second book of the chronicle of Eusebius. This taught me the importance of those tables, which in great part represent the views of Apollodorus; and it would border on ingratitude, were I to suppress the opinion I once delivered on them, in consequence of the chronicle having been superseded as to this point by the un hoped for discovery of a purer source. A similar discovery, which has almost entirely brought back to light the part of the chronicle then wanting, is a call upon our age to recognize its value, and to resume researches too much neglected since the time of that great man, who laboured at restoring the work of Eusebius with the confident strength of genius and with immeasurable learning⁶⁶⁰, cheered and rewarded by the communications of

⁶⁶⁰ Scaliger stood at the summit of universal solid philological learning, in a degree that none have reached since; and so high in every branch of science, that from the resources of his own mind he could comprehend, apply, and decide on whatsoever came in his way. What, when compared with him, is the book-learned Salmasius? And why does not France set up the name of Scaliger to match that of Leibnitz?

Out of Italy and Greece there is no ground more sacred in the eyes of a philologist, than the hall of the university at Leyden; where the

Casaubon. If in the instance before us he overlooked what was concealed in a tradition the nature of which had been misunderstood, it was because the abundance of his materials was inexhaustible even for him, so that a gleaning has been left for our inferior generation.

Now however that we find the year of Numa's death was considered as the last in the first secle of the city, another tradition, which otherwise sounds strange and unmeaning, acquires a definite import; the tradition that he was born on the day of the founding of Rome⁶⁶¹. It was grounded on the Etruscan notion of the first physical secle terminating with the death of the person who lived the longest among all such as were born on the day when a city was founded⁶². Now the very clearness with which this is apparent, makes it the more necessary for me to meet an objection which an able reader might raise. Such a one might probably remark, that, if 240 years were reckoned for the time of the kings, and 120 from the beginning of the consulate down to the taking by the Gauls, the year this would give for the founding of the city, would be the one adopted by Fabius, Ol. 8. 1; yet that between the year 78 according to Fabius and 298 according to Varro there intervened not 220 years, but only 214: so that we should be deluded here by an appearance which is merely accidental.

Nevertheless it is no deception: but the *Fasti* for the first fifty years of the republic are in complete disorder;

portraits of the professors, from Scaliger in his princely purple, down to Ruhnkenius, are ranged around that of the great William of Orange, the father of the university; the erection of which was granted to the request of Leyden, as the noblest reward for her more than human endurance and perseverance. The general of the republican city, Baron Nordwyk, was also a great philologer.

⁶⁶¹ Plutarch Numa c. 3. Dion Cassius fr. 20. p. 8. Dionysius would have been ashamed of seeming to believe the marvellous coincidence: but he takes advantage of the belief of others to slip Numa's age, not far from forty, by a sleight of hand into his history. II. 58.

⁶² See above, p. 136.

and this may partly have been a consequence of their being adapted to the scheme which estimated the period under the consuls at a third of the whole time computed to have elapsed between the building and the taking of the city: but it may also have been to some extent unavoidable from the nature of the Fasti themselves. A given number of official years did not by any means answer to the same number of astronomical; on account of the inter-reigns, so very frequent in the earlier ages, by which the beginning of the year was carried further forward every time. This led those into error, who, like Fabius, made the two series of years parallel to each other; but the *secle* supplied the correction; this was known to the pontiffs, and through them to Polybius and Cato. According to the former, who dates the Gallic invasion a year later than Dionysius⁶⁶³, the secular year 298 was Ol. 81. 3: if from this point two *secles*, 55 Olympiads, are reckoned backward, the second *secle* begins in Ol. 26. 3: which according to Polybius was the seventy-eighth year of Rome, and the first of king Tullus. I again remind the reader that his statement is taken from the tables of the pontiffs.

Hence it seems perfectly evident, that the pontiffs themselves distinguished the first two kings from the rest, as belonging to another order of things, and separated the accounts of them from those which were to pass for history; just as the Egyptians began the lists of their kings with gods and demigods. Romulus was a god, the son of a god; Numa a man, but connected with superior beings. If the tradition however about them both is in all its parts a poetical fiction, the fixing the pretended duration of their reigns can only be explained by ascribing it either to mere caprice or to numerical speculations: and although to us the former solution might seem the more probable, the latter is far likelier to be the correct one with regard to the ancients in early times; above all where the annals were in

⁶⁶³ That is, in Ol. 98. 2.

the hands of a learned priesthood. Such speculations characterize the chronology of Asia. Much that I have already said, and other remarks which I shall make hereafter, render it almost certain that the chronology of the Etruscans, the sages of ancient Rome, was of a similar character. The cyclical year, which is assumed to have been instituted by Romulus, and to have obtained until Numa, was divided into 38 nundines: it was an obvious thought to reckon the same number of years from the beginning of the city to Numa. One of these was taken for the interreign; and only 37 were left for Romulus. Then, if twice 38 were to be allotted to the first two kings, 39 fell to Numa's share; and this number had more than one attraction to recommend it. In its component parts, thrice ten and thrice three, the prevailing number is that which determines the proportions in all the earliest Roman institutions; and the nearest quotient obtained from dividing the number of days in the lunar year, 354, by 9, is 39. Such numerical combinations are mere child's play or jugglery: in the present case however we have nothing to expect but priestly subtilty, which betrays perverted ingenuity much oftener than depth of thought. The other statement, which assigns forty-three years to Numa, brings the length of his life to eighty-one; the biquadrate of three. When it was forgotten that this was the source of that latter number, even Cato in his time might prefer it; because it enabled him to carry back four years, for which he could find no consuls, from the annual *Fasti* to the time of the kings: others might be glad to take away the obvious appearance of a fabrication from the numbers 240 and 120.

With Tullus Hostilius we reach the beginning of a new secle, and of a narrative resting on historical ground, of a kind totally different from the story of the preceding period. Between the purely poetical age, the relation of which to history is altogether irrational, and the thoroughly historical age, there intervenes in all nations a mixed age,

which, if one wishes to designate it by a single word, may be called the mythico-historical. It has no precise limits; but comes down to the point where contemporary history begins: and its character is the more strongly marked, the richer the nation has been in heroic lays, and the fewer the writers who have filled up the void in its history from monuments and authentic documents, neglecting those lays, and without calling up in their minds any distinct image of the past. Hence in the history of the middle ages we find such a character in Scandinavia and in Spain; whereas during the same period the history of countries which, like Italy, possess no historical lays, scarcely contains a trace of it. Among the Greeks, the Persian war still displays the character of a free epical narrative; and almost every thing before it that is stirring and attractive in their story, is poetry. In Roman history the range of pure fiction does not reach much lower; although it appears again from time to time even down to the fifth century: the disease which preys on this history until the war with Pyrrhus, when foreigners at least began to write it contemporaneously, is studied alteration. This is sheer corruption: the poetical story is something different from, but it is also something better than pure history, on the field of which we only find again what wearies and worries us in life⁶⁶⁴. The relation which such poetical history bears to mythology, is, that the former always has and must have a historical foundation; that it borrows its materials mainly from history, as transmitted in free oral narrative: while the latter takes hers from religion and from poems on a large scale, and does not profess to be a possible history of the common order of things in the world; although, so long as it confines itself to the earth, it can have no other theatre. To the latter kind for instance belong Hercules, Romulus,

⁶⁶⁴ It was not till yet later, about the age of Alexander, that Lysistratus began to take portraits in sculpture: till then statues had been ideal works, only preserving the main features of the face and figure.

and Siegfried; to the former Aristomenes, Brutus, and the Cid.

On the confines of mythology the predominant character is poetical, at the opposite end historical. Of the men named during the period we are entering on, but few are imaginary: many of the chronological statements from the yearly registers have all the definiteness that can be expected for so dim an age: but the historical part of our information is limited to this. For when historians arose, their attention was exclusively directed to what bore the name of annals: no use was made of monuments and original documents; perhaps through carelessness; perhaps because they could not be brought to agree with the poetical legends; and nobody knew yet how to appreciate the value of a fragmentary history drawn from authentic documents. Among the Greeks, Ephorus in later times and the authors of the *Atthids* framed histories from materials of this kind; as did Timæus, who however is frequently dishonest, concerning Italy and Sicily; histories like many that have been written of the middle ages; valuable indeed, but presenting no lively and distinct image of the times: at Rome this source was but sparingly employed; and perhaps by none but L. Cincius and C. Macer with judgement and any degree of industry. It is true, the Roman documents of the earliest period were scanty, in comparison with the historical treasures of Athens and of almost all the Greek cities. For a long time the laws were only engraved on oaken tables⁶⁶⁵, or painted on them, if they were plastered; and thus they became a prey to the flames the more easily at the taking by the Gauls, when none had time or presence of mind to save even the fundamental laws. The only original documents mentioned of the whole period under the kings, are the treaty of Servius Tullius with the Latins⁶⁶, that of the last Tarquinius with the Gabines, and one with the Sabines⁶⁷. That with the Gabines was

⁶⁶⁵ Dionysius iii. 36.

⁶⁶ Dionysius iv. 26.

⁶⁷ The former by Dionysius iv. 58; both by Horace *Ep.* ii. 1. 25.

painted on a wooden shield. Verrius Flaccus cited the commentaries of Servius Tullius, which appear to have contained the substance of the constitutional laws ascribed to him⁶⁶⁸: and the collection of the laws of the kings, compiled by one Papirius, seems unquestionably to have been of high antiquity.

From the period immediately following the expulsion of the kings, beside the twelve tables, some other laws, and the compacts between the patrician and plebeian orders, there were still extant in the seventh and eighth centuries, the treaties with Carthage⁶⁹, with the Latins⁷⁰, and with the Ardeates⁷¹: but the contents of these very documents are such as either cannot be reconciled at all with our historical accounts, or not without difficulty.

I am now come to the question so often raised as to the genuineness and credibility of the original annals; a question, the discussion of which has been placed on a firm ground, such as our predecessors were destitute of, by the fortunate discoveries which have enriched philology in our days.

It is well known to have been a custom, manifestly derived from very ancient times, for the chief pontiff to note down the events of the year on a whited table; such as, prodigies, eclipses, a pestilence, a scarcity, campaigns, triumphs, the deaths of illustrious men; in a word, what Livy brings together at the end of the tenth book, and usually in such as remain of the following ones, when closing the history of a year, in the plainest words and with the utmost brevity; this statement was so dry that nothing could be more jejune⁷²: the table was then set up in the house of the pontiff⁷³: the annals of the several years were afterward collected in books. This custom obtained until the pontificate of P. Mucius and the times of the Gracchi; when it ceased, because a literature had now been formed, and perhaps

⁶⁶⁸ Festus v. *procum*, and *pro censu*.

⁶⁹ Polyb. iii. 22.

⁷⁰ Dionysius vi. 95.

⁷¹ Livy iv. 7; from Licinius Macer.

⁷² Cicero de Leg. i. 2.

⁷³ Cicero de Orat. ii. 12.

because the composing such chronicles seemed too much below the dignity of the chief pontiff.

Now I grant, Antonius says in Cicero, that this custom had subsisted from the beginning of the Roman state: but it does not follow from this that Cicero meant to assert, the annals in the possession of the Roman historians, who did not begin to write till so late, reached thus far back. Those of the earlier times might have perished; which Livy and other ancient writers, though without specific mention of the *Annales Maximi*, state to have happened at the destruction of the city by the Gauls. And certainly this fate may easily have befallen them at that time; as the tables perhaps were not yet transferred into books; and it is still less likely that any transcripts of such books should have been in existence: besides possibly they may not have been preserved in the Capitol, where the chief pontiff did not reside, and where there was no occasion for him to keep his archives, as there was for the duumvirs of the Sibylline books.

I think we may now consider it certain that those annals did really meet with such a fate at that time, and that they were replaced by new ones. Cicero says, the earliest eclipse of the sun that the *Annales Maximi* recorded as having been observed, fell on the nones of June about the year 350: the earlier ones were computed backward from this point, unto that during which Romulus was carried up to heaven⁶⁷⁴. From a fragment of

674 De Re p. i. 16. Hac in re tanta inest ratio atque sollertia, ut ex hoc die, quem apud Ennium et in maximis Annalibus consignatum videmus, *superiores solis defectiones reputatae sint usque ad illam quae nonis Quinctilibus fuit regnante Romulo*, &c. Before this passage had been restored to light, I proved by cogent reasons, that there were no contemporary pontifical annals, before the battle of Regillus at the earliest: those reasons are now superfluous. Whether according to the imperfect method then used, the computations came out right, is another question; who was to verify them? But it is extremely probable that an erroneous computation of this kind was the ground by which the date of the death of Romulus was determined.

Cato we learn that eclipses of the sun and moon belonged essentially to the contents of the pontifical annals; and the fact of their having been computed backward agrees with this statement, and shews that an attempt was made to replace the loss of the actual observations: the same thing has been done in the Chinese chronicles, for the times the annals of which are said to have existed, but to have been destroyed. The eclipse spoken of by Cicero was not visible at Rome: but the Romans derived information from Gades of the day and hour when it occurred, as well as of the accidental circumstance that the sun was obscured when it set, which made it memorable. The list of eclipses observed does not begin till after the restoration of the city⁶⁷⁵.

Now if the earlier annals were not genuine, but restored, this accounts for the singular peculiarities in the numerical calculations throughout the early part of Roman history, and for their reference to the epoch of the taking by the Gauls. Not that all the Fasti and yearbooks were destroyed in that calamity; parts of them must have been preserved in the Capitol, and in the Latin towns; and such genuine documents were incorporated: but we must not look for great diligence of research from

⁶⁷⁵ Cicero de Re. p. i. 16. Ut (Ennius) scribit anno CCCL fere post Romam conditam—nonis Junis soli luna obstetit et nox. The profound investigations carried on by Mr. Heis of Cologne under the guidance of my friend Mr. Munchow, have set it beyond a doubt that the eclipse referred to can be no other than the one which occurred on the 21st of June in the astronomical year 399, B. C. but which at Rome did not fall till after sunset. At Gades, where more than eleven digits were obscured, the middle of it took place three minutes before sunset; and this gives an unexpected accuracy to the words *soli luna obstetit et nox*, which now cease to be tautological. That the nones should fall on the 21st is no way surprising, considering the practice of intercalating: nor is it more so, that the observation taken at Gades should be known at Rome. A more than ordinary regard for astronomy is implied in the worship paid at Gades to the year and the month as divinities: see note 851.

the pontiffs, nor even for any anxious painstaking about historical accuracy, where they could answer their purpose by numerical combinations: the mischief was, that their work was esteemed authentic, and soon exclusively so.

According to the chronology of Fabius, the Roman history from the founding to the taking of the city splits into two portions, of 240 years under the kings, and 120 after them; or, to express it differently, into three periods⁶⁷⁶, each containing ten times twelve years; twelve being the number of the birds in the augury of Romulus. This outline was the bed of Procrustes, to which whatever was known or believed about the early ages was fitted. There was a statement that a secular festival had been celebrated some 70 years before: Romulus, Numa, and the five succeeding kings, were the subjects of manifold legends and traditions; but, except perhaps as to the last king, they were without any chronological definiteness.

Now the priests who arranged the annals, fixed the reigns of Romulus and Numa, according to the numerical speculations already explained, at 77 years: this formed the first secle, a heroic one.

Among the seven kings, whose statues stood in the Capitol, Ancus Marcius was the fourth: and so the middle of his reign was made to coincide with the middle of the period assigned to the kings, the end of the year 120. Now it is true, any number of years might have been allotted to him at discretion: what decided in favour of 23, was, that this number together with that of the first secle makes exactly 100; and that 132, the year in which his reign would thus close, was the number of years of ten months in a secle. In this way 32 years

⁶⁷⁶ As the life of Moses is divided into three periods of 40 years apiece: and the genealogy in St. Matthew divides into three parts, each containing fourteen generations.

fell to the share of Tullus. Now with a view of getting something that looked like historical numbers for the two reigns next to that of Ancus, half a century was counted from 120 to the end of the elder Tarquinius: and the reign of Servius was extended to the year 216, without the slightest attention to the impossibilities and contradictions occasioned by so doing; this left five and twenty years for the last king, a date which may perhaps have been historical⁶⁷⁷.

It was only necessary that the computation adopted by Polybius for the years of the kings should be again known, in order that this web of no very fine texture should come to light, and no longer be taken for anything else than what it really is. In other cases indeed the chronological statements during a mythico-historical age may possibly deserve credit: but as to the period of the Roman kings, the chronology itself is a forgery and a fiction throughout: there is no rational ground for doubting the personal existence of Tullus Hostilius; but most assuredly the combat of the Horatii and the king's marvellous death are more likely to be historically true, than the dates assigned to his reign.

While however no national annals were left concerning the times of the kings, neither did the family narratives reach so far back. The stories that the Valerii spoke of a Volesus as their ancestor, that the Marcii traced the origin of their race to Ancus, and other families to Numa, are no proof to the contrary: the Sabine descent of the Valerii as a general fact I am ready to admit; but if any plebeian houses deduced their stock from the kings, nobody could seriously believe them. Except the Horatii—and as to them it was disputed whether they belonged to Rome or Alba—not a single Roman is mentioned by name in the legends of Tullus and the three following kings. Whereas

⁶⁷⁷ This number is given by Cicero *De Re* p. ii. 18.

from the very beginning of the commonwealth the family histories related much of its great men, though what they related may not always be worthy of credit.

The arithmetical outline drawn for the time of the kings, before it became a vehicle for mere fiction, was filled up with two classes of subjects; the forms of the state, its laws, and the institutions ascribed to particular kings; and legends of their exploits. The former class seems to have engaged the attention of the earliest annalists but very little, richly as it provided later ages with materials. The antiquity of the legends is much greater: their origin goes back far beyond the time when the annals were restored.

That they were transmitted in lays from generation to generation, and that their contents cannot be more authentic than those of any other poem preserved by song on the deeds of former times, is not a new notion. A century and a half will soon have elapsed, since Perizonius⁶⁷⁸ expressed it, and observed that among the ancient Romans it had been the custom at banquets for the praises of great men to be sung to the flute⁷⁹; a fact Cicero only knew of from Cato, who seems to have spoken of it as a usage no longer subsisting. The guests themselves sang in turn; so it was expected that the lays, as being the common property of the nation, should be known to every free citizen. According to Varro, who calls them old, they were sung by modest boys, sometimes to the

⁶⁷⁸ In his *Animadversiones Historiæ*, c. 6. That I did not know this when I first wrote on the subject, I confess, and not without shame: but at all events those who combated my opinion were equally ignorant.

⁷⁹ The leading passage is *Tusc. Quæst.* iv. 2. *Gravissimus auctor in Originibus dixit Cato, morem apud majores hunc epularum fuisse, ut deinceps, qui accubarent, canerent ad tibiam clarorum virorum laudes atque virtutes.* Cicero laments that these songs are lost; *Brut.* 18. 19. Yet, like the sayings of Appius the blind, they seem to have vanished only from such as did not care for them. Dionysius was acquainted with songs about Romulus.

flute, sometimes without music⁶⁸⁰. The peculiar function of the Camenæ was to sing the praises of the ancients⁸¹; and among the rest those of the kings. For never did republican Rome strip herself of the recollection of them, any more than she removed their statues from the Capitol: in the best times of her freedom their memory was revered and celebrated⁸².

We are so entirely dependent on the age to which we belong, we subsist so much in it and through it as parts of a whole, that the same thought will at one time be sufficient to give us a measure for the acuteness, the depth, and the strength, of the intellect which conceives it, while at another it may suggest itself to everybody, and nothing but accident leads one man to anticipate others in expressing it. Perizonius can have known nothing of heroic lays except from books: that he should ever have heard of any still current in his days, or written down from the mouth of the common people, is inconceivable considering his age: he lived long enough however to hear, and perhaps he heard, but it was not until a quarter of a century had elapsed since the appearance of his researches, how Addison roused the stupefied senses of his literary contemporaries, to join the common people in recognizing the pure gold of poetry in Chevy-chase. For us on the other hand the heroic lays of Spain, of Scotland, and of Scandinavia, had long been our common stock: the Lay of the Niebelungen had already revived and taken its place in literature: and now that we listen to the lays of the Servians, and to those of Greece, the swanlike strains of a slaughtered nation; now that every one knows how poetry maintains its existence in

⁶⁸⁰ In Nonius II. 70. *assa voce*: (*aderant*) in conviviiis pueri modesti, ut cantarent carmina antiqua, in quibus laudes erant majorum, *assa voce*, et cum tibicine.

⁸¹ Fest. Epit. v. Camenæ, musæ, quod canunt antiquorum laudes.

⁸² Ennius sang of them, and Lucretius mentions them with the highest honour.

every people, until metrical forms, foreign models, the various and multiplying interests of every-day life, and general inertness or luxury, stifle it so, that poetical minds are the very class whose genius most rarely finds a vent: while on the contrary minds without poetical genius, but with talents so analogous to it that they may serve as a substitute, frequently usurp the art; now the empty objections that have been raised no longer need any answer. If any one does not discern the traces of such lays in the epical part of Roman story, he may continue blind to them: he will be left more and more alone every day: there can be no going backward on this point for generations.

One among the various forms of Roman popular poetry was the *nenia*, containing the praises of the deceased, which were sung to the flute at the funeral processions⁶⁸³, as they were recited in the funeral orations. We are not to suppose that it was like the Greek threnes and elegies: in the old times of Rome the fashion was not to be melted into a tender mood, and to bewail the dead; but to pay him honour. We must therefore imagine the *nenia* to have been a memorial lay, such as were sung at banquets: indeed the latter were perhaps no others than what had first been heard at the funeral. And thus it is possible that, without being aware of it, we may possess some of these lays, which Cicero supposed to be totally lost: for surely a doubt will scarcely be moved against the thought, that the inscriptions in verse⁸⁴ on the oldest coffins in the sepulchre of the Scipios are nothing else than either complete *nenias*, or the beginnings of them⁸⁵. In these epitaphs

⁶⁸³ Cicero de Legib. ii. 24.

⁸⁴ On the coffin of L. Barbatus the verses are marked and made apparent by lines to part them: in the inscriptions on his son and the flamen there are as many lines as verses, which may be recognized with as much certainty from the great difference in the length of them, as the elegies on more recent monuments.

⁸⁵ The three following inscriptions are of this kind: I transcribe them, because it is probable many of my readers never saw them.

we find a peculiarity which characterizes all popular poetry, and which is strikingly conspicuous above all in that of modern Greece. Whole lines and thoughts become elements of the poetical language, just like single words: they pass from such old pieces as are in general circulation, into new compositions; and, even where the poet is not equal to a great subject, give them a poetical colouring

Cornéliu' Lúciu' Scípío Barbátus,
Gnáivo (patre) prognátu', fortis vír sapiénsque,
Quoiu' fórma vírtutí paríssuma fúit,
Consúl, Censor, Aédilis, qúi fuit apúd vos,
Taurásiam, Cesáunam, Sámnio cépit,
Subícit ómnem Lúcánaam,
Obsidésque abdúcit.

The second is:

Hunc únun plúrimi conséntiunt R(ománi)
Duonórum optumum fúisse virúm,
Lúcium Scipiónem, fílium Barbáti;
Consúl, Censor, Aédilis, híc fuit apúd vos.
Hic cépit Córsciam, | Alériamque úrbem
Dédit tempestátibus aédem mérito.

The third:

Qui ápicem | insígne Diális fláminis gessísti
Mors pérfecít tua | ut éssent ómnia
Brévia, honos, fáma, virtúsque,
Glória, atque ingeniúm, quibus
Si in lónge licuísset tibi útier víta
Fácile factís superásses glóriam majórum
Quare lúbens te in gremiúm Scípío récipit térra,
Publí, prognátum Publió Cornélio.

I have softened the rude spelling, and have even abstained from marking that the final *m* in *Taurasiam*, *Cesaunam*, *Aleriam*, *optumum*, *omnem*, and *prognatum* was not pronounced. The short *i* in *Scipio*, *consentiunt*, *fuit*, *fuisse*, *licuisset*, was suppressed, so that *Scipio* for instance was a disyllable; a kind of suppression of which we find still more remarkable instances in Plautus. In the inscription on Barbatus, v. 2, *patre* after *Gnaivo* is beyond doubt an interpolation: in that on his son, v. 6, and in the third, v. 1. 2, it is to be observed that the last syllable of *Corsicam*, *apicem*, *tua*, is not cut off. In the third I have transferred *si* from the end of the third to the beginning of the next line, and *majorum* from the beginning of the seventh to the end of the one before it. Stonemasons are inaccurate in everything, but most of all so in dividing their lines.

and keeping. So Cicero read on the tomb of Calatinus: *hunc plurimæ consentiunt gentes populi primarium fuisse virum*⁶⁸⁶: we read on that of L. Scipio the son of Barbatus: *hunc unum plurimi consentiunt R(omani) bonorum optimum fuisse virum*.

The poems out of which what we call the history of the Roman kings was resolved into a prose narrative, were different from the *nenia* in form, and of great extent; consisting partly of lays united into a uniform whole, partly of detached ones, without any necessary connexion. The story of Romulus is an epopee by itself: on Numa there can only have been short lays. Tullus, the story of the Horatii, and the destruction of Alba, form an epical whole, like the poem of Romulus: indeed Livy has here preserved a fragment of the poem unaltered, in the lyrical numbers of the old Roman verse⁸⁷. On the other hand in what is related of Ancus there is not a touch of poetical colouring. But afterward with L. Tarquinius Priscus a great poem begins, which ends with the battle of Regillus; and this lay of the Tarquins even in its prose shape is still inexpressibly poetical; nor is it less unlike real history. The arrival of Tarquinius the Lucumo at Rome; his deeds and victories; his death; then the marvellous story of Servius; Tullia's impious nuptials; the murder of the just king; the whole story of the last Tarquinius; the

⁶⁸⁶ Cicero de Senectute 17.

⁸⁷ The verses of the *horrendum carmen* i. 26.

Duúmviri pérduellíonem júdicent.

Sí a duúmviris provocárit,

Provocátíone certáto :

Sí víncent, caput óbnúbíto :

Infélici árbore réste suspéndito :

Vérberato íntra vel éxtra pomoérum.

The description of the nature of the old Roman versification, and of the great variety of its lyrical metres, which continued in use down to the middle of the seventh century of the city, and were carried to a high degree of perfection, I reserve, until I publish a chapter of an ancient grammarian on the Saturnian Verse, which settles the question.

warning presages of his fall; Lucretia; the assumed idiocy of Brutus; his death; the war with Porsenna; in the last place the truly Homeric battle of Regillus; all this forms an epopee, which in force and brilliance of imagination leaves every thing produced by the Romans in later times far behind it. A stranger to the unity which characterizes the most perfect of Greek poems, it divides itself into sections, answering to the *adventures* in the Lay of the Niebelungen: and should any one ever have the boldness to think of restoring it in a poetical form, he would commit a great mistake in selecting any other than that of this noble work.

These lays were much older than Ennius⁶⁸⁸, who moulded them into hexameters, and found matter in them for three books of his poem; and who seriously believed himself to be the first of Roman poets, because he had contemptuously shut his eyes against the merits of the old native poetry, and succeeded in suppressing it. Of that poetry and of its destruction I shall speak elsewhere: here only one further remark is needed. Ancient as the groundwork of the epical lays unquestionably was, the form they were handed down in, and a great part of their contents, seem to have been comparatively recent. If in the pontifical annals history was adulterated to favour the patricians, this poetry is pervaded throughout by a plebeian spirit, by hatred of the oppressors, and by evident traces that at the time when it was sung some plebeian houses were already great and powerful.

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—Scripsere alii rem

'Versibu' quos olim Fauni vatesque canebant:

Quom neque Musarum scopulos quisquam superarat,

Nec dicti studiosus erat.

Horace's *annosa volumina vatum* may have been old poems of this sort: though perhaps they are also to be understood of prophetic books, like those of the Marcii; which in spite of his contemptuous glance at them were extremely poetical. Of this we may judge even from the passages preserved by Livy, xxv. 12: we must not let Horace determine our opinion of them, any more than of Plautus.

The assignments of land by Numa, Tullus, Ancus, and Servius, are in this spirit: all the favorite kings are the friends of freedom: the best of them next to the holy Numa is the plebeian Servius: the patricians appear in a detestable light, as accomplices in his murder: Gaia Cecilia, the Roman wife of the elder Tarquinius, is a plebeian, a kinswoman of the Metelli: the founder of the republic and Mucius Scaevola are plebeians: among the other party the only noble characters are the Valerii and Horatii; houses friendly to the commons. Hence I should be inclined not to date these poems, the contents of which have come down to us, before the restoration of the city after the Gallic disaster, taking this as their earliest age. The middle of the fifth century, the golden age of Roman art, may perhaps have also been that of Roman poetry. The same period is also indicated by the consulting the Pythian oracle. The story of the symbolical manner in which the last king instructed his son to get rid of the principal men of Gabii, comes from a Greek tale in Herodotus: so likewise we find the stratagem of Zopyrus related of Sextus: we must therefore suppose that there was some knowledge of Greek legends; and why not of Herodotus himself?

THE ERA FROM THE FOUNDATION OF THE CITY.

A COMPUTATION of time, which ascending from a given point determines its earliest epoch by artificial combinations, may seem unfit for and unworthy of being used in chronology. But for practical purposes nothing more is requisite, than that the point it begins at should be fixed relatively: the first year even of our own common era is notoriously misplaced: only such chronological determinateness must not be mistaken for historical certainty. The dignity of Rome purges its era from the blot of having owed its origin to fraud.

History requires more than one era; Asia a different one from Europe: such eras as reckon backward, or are necessarily dependent on a supposition ascertained to be utterly wrong, are positively bad: different eras are suited to different times; thus the Spanish one from the battle of Actium was appropriate so long as the Western empire lasted: afterward it ought to have given way to the general Christian era much sooner than it did; as that of Nabonassar was very reasonably made to yield to the Seleucidian. The greater or less value of an era for practical purposes depends on three qualities: it should begin early enough to comprehend all such dates as are really historical, within its range in its forward course: it should be applicable without violence to the history of the most important nations which come under it: and the reason which entitles the era to preference, should be something permanent. With regard to the point of their commencement, the

Olympic era and that of Nabonassar differ little from the Roman: but while the last continues to grow more and more extensively applicable, until the battle of Actium; of the two former, the one, like Greece, does not survive Alexander except as an empty name, while the other, like Babylon, ceases about the same time altogether. Beyond the epoch assigned to the founding of Rome, the west of Europe has no chronology at all: for Greece the method devised by Eratosthenes, of reckoning from the fall of Troy to indicate relative dates, was a happy thought: for still earlier times in Greece, when all chronology, except for Asia, is a mere dream, we may adopt the Babylonian computation, which began 1905 years before the first year of Alexander's residence at Babylon⁶⁸⁹; and which will serve for all Asia on this side of the Indus.

Eras of cities from their foundation were common in Italy: Scaliger quotes an inscription proving that such an era was in use at the Umbrian town of Interamna⁹⁰; that a similar one prevailed at Ameria is shewn by the above-mentioned statement of Cato*. As to the Romans, we have no trace of their reckoning their years in this way before the time of Augustus. On the other hand an era from the banishment of the kings occurs frequently; it was especially usual to employ this for dating alterations in the constitution. This is done by Cicero, by Tacitus, and even by Gaius⁹¹; a coincidence, which affords ground for conjecturing that such alterations were similarly recorded in some writer followed by all the three; and this was probably no other than

⁶⁸⁹ See my Treatise on the historical value of the Armenian Translation of Eusebius; *Kleine Schriften* p. 200.

⁹⁰ Emend. Temp. p. 385. Puteoli reckoned from the foundation of the colony.

* See p. 141. note 431.

⁹¹ In Lydus *De Magistratibus* i. 27: from whose quotations it appears, that what we have of Pomponius in the Digests are mutilated and incorrect extracts from the Introduction to the twelve Tables by Gaius.

Junius Gracchanus, who wrote in the first half of the seventh century.

Dionysius assumed that this mode of reckoning was already in use about the middle of the fourth century: else he would not have built on certain registers of the censors, which designated the year before the taking of the city to be the year 119 after the banishment of the kings⁶⁹², as on authentic documents. But, admitting the genuineness of the registers themselves, still this date may perhaps not have been set down at the time; it may have been a later addition, made either innocently or with the design of falsifying the text: however this certainly proves that the era was used in public documents, though possibly not till a later age.

In every era the number of years are to be taken as all of the same kind, whether they be astronomical or lunar years: now since our *Fasti* enumerate the magistrates for 120 years from the beginning of the consulship until the taking of the city, these official years would answer precisely to just as many of the era. But no dependence can be placed on the *Fasti*; as is sufficiently proved by Brutus and Horatius being named as colleagues in the treaty with Carthage⁹³: and I shall shew in the proper place that the consuls who are made to succeed one another in the first year of the commonwealth, in such numbers as never occur again, belong to several years. Moreover in Livy, who yet followed Cato's computation, during this period the consuls of the years 248, 264, and 265 are wanting, not to mention slighter variations: still greater discrepancies appear in the *Fasti* of Diodorus, which, disordered as they appear to be, are still deserving of more attention than they have received, since the greatest difficulties in them arise from miswriting. He may have corrupted, but certainly did not invent them.

That the official years should answer exactly to those of an era, became impossible so soon as the time of the

⁶⁹² Dionysius i. 74.

⁹³ Polybius iii. 22.

magistrates was allowed to expire before their successors were elected. But it seems to be pretty probable that at first the practice of holding an election under an interrex was retained from the time of the kings and transferred to the consuls: at least it very easily and very frequently happened, that the outgoing magistrates did not complete the election, and that an interreign took place. Now since the new magistrates nevertheless continued in office a full year⁶⁹⁴, two official years were longer than two civil ones, by the length of the interreign. The rule seems to have been, for the new magistrates to enter upon their office on the calends or ides of a month⁹⁵: hence, unless matters were accelerated in consequence of any extraordinary circumstances, the commencement of the official year was put off for half a month, as often as the election was held by an interrex. But often several interreigns followed one upon another: we cannot expect to find them recorded by Livy in the earliest times of the commonwealth, since he very frequently forgets them in the later.

In this way the divergency between years of the Fasti and civil years counted regularly on, would have come to this, that, supposing the beginning of each series coincided in the year 1, at the end of some fifteen years perhaps the consuls would not enter upon office before Quinctilis; so that their time would be equally divided between the years 15 and 16. If the same order of things continued, it might happen that the thirtieth pair of consuls would not ascend the curule throne before the beginning of the year 31; thus a full year which had actually elapsed, would be lost in the Fasti: and though this probably did not take place within so short a time, still it did take place, and more than once. We have here an analogy, except that the deviations were not regular, with

⁶⁹⁴ Otherwise the promise made to them in the formulary of their election, *ut qui optimo jure facti sint*, was not kept.

⁹⁵ Dodwell has shewn this to be very probable.

the comparison between a chronological series of solar and lunar years.

Hence however we see the purpose of the ordinance, that the supreme prætor should drive a nail into the wall in the temple of the Capitoline Jupiter on the ides of September. This custom is said to have been adopted because writing was little used in those times: yet the names of the magistrates were recorded; else there could have been no Fasti. But if the object was to prevent any years being lost in the record of time, the plan, with all its simplicity, was suited to the end. If the ides of September fell during an interreign, either the consuls who were going out of office before that day, must have proclaimed a dictator to perform the ceremony; or the interrex proclaimed one; and this must then have been consistent with the laws regulating the nomination to the dictatorship. Every year was marked and numbered. Now Livy informs us that this annual nail was driven in for the first time by M. Horatius at the dedication of the Capitol, and that the ides of September were the day of the dedication*: this then gave rise to the era reckoned from that day, which was used at Rome on public monuments in the middle of the fifth century⁶⁹⁶: and why should it not have been so much earlier? In what year after the banishment of the Tarquins the dedication fell, was variously stated: in fact the era from the banishment seems to have been made to coincide with this really ancient one from the dedication; and the number of years in the Fasti was brought into accord with it by the insertion of fabricated consulships.

I conceive the table seen by Polybius in the archives of the pontiffs†, to have been a combination of this table,

* VII. 3.

⁶⁹⁶ By Cn. Flavius in the inscription on the chapel of Concord: Pliny xxxiii. 5: where beyond doubt we should read 204 instead of 304.

† Above, note 656, p. 239.

which beginning from the dedication of the Capitol named the supreme magistrate in office on the ides of September in every year, with the chronological computations deduced by the pontiffs in their annals from an arbitrary and artificial arrangement of numbers: and the same enumeration of years must have been the groundwork built upon by Varro, and by the author of the Capitoline Fasti; if he was a different person from Varro. It is certainly doing them injustice to assume, that, where they mark a year with the name of a dictator and without consuls, their notion was that he presided over the republic for a whole year: I have no doubt that—except perhaps in a single peculiar case—they only meant to note, that, during the interval between two years so marked, the beginning of the official year had been pushed a twelvemonth forward, and that there were no consuls on the ides of September. On these points they may have been mistaken or have allowed themselves liberties in particular instances: the problem, to refer events from the variable years of the Fasti to a determinate chronological table, is one we have no means of solving.

For connecting the Roman chronology with the Grecian, a fixed point was afforded by the taking of the city. That event, the consequence of a national migration that rushed on with the rapidity of a torrent and threatened the remotest regions, had spread consternation as far as the Greek cities, and had even excited attention at Athens*: so it might be known with certainty, that it had happened in Ol. 98. 1 or 2. The majority decided for the former year, the archonship of Pyrgion⁶⁹⁷; Polybius and Diodorus for the latter.

Now a person who, following the chronological outline I have described, without attending to the Capitoline era and the commencements of the secles, reckoned 360 years

* Plutarch Camillus c. 22.

⁶⁹⁷ Dionysius i. 74: probably after Theopompus or Aristotle.

from Ol. 98. 1, up to the building of the city, would place it in Ol. 8. 1. Such is the computation of Fabius⁶⁹⁸.

He that reckoned back from Ol. 98. 2, adopting the above-mentioned corrections, would come to Ol. 7. 2. This is the computation of Polybius⁹⁹ and of Nepos⁷⁰⁰. With regard to the former however we must take into consideration his general practice in comparing Olympiads with Roman years; which is such, that, although the Palilia fell before the summer solstice, he would reckon the second year of the seventh Olympiad as coinciding with the first of the city, which had already begun; for thus it is that he makes the first year of his history, Ol. 140. 1, answer to 532 of the city.

If any one reckoned in the same way, only beginning from Ol. 98. 1, he would take Ol. 7. 1 for the year of the building: Cato did so. But a difficulty now arose about the mode of inserting the four years obtained from the corrections. The more clearly a person perceived the nature of this chronology, the readier he was to adopt the shortest solution. Hence Polybius, while he took that statement as to the years of the several reigns, which made the sum of them amount to 240, added the four years to this sum, as having been filled up by inter-reigns¹; so that the first consular year fell in Ol. 68. 1². Whether Cato had set him the example in this, or reckoned, as Livy does, 43 years for the reign of Numa, cannot be ascertained. The former method is unquestionably far

⁶⁹⁸ Dionysius i. 74: according to the Vatican MS.

⁹⁹ Dionysius i. 74. Cicero de Re p. ii. 10.

⁷⁰⁰ Solinus 2. His mention of Eratosthenes and Apollodorus can only refer to Nepos having adopted their canon for Troy and the beginning of the Olympiads: for Eratosthenes wrote that Romulus was the grandson of Æneas. See above n. 598.

¹ Cicero de Re p. ii. 30. His regis quadraginta annis et ducentis paulo cum interregnis fere amplius præteritis.

² Polybius iii. 22. Πρώτερα τῆς Ξέρξου διαβάσεως εἰς τὴν Ἑλλάδα τριάκοντ' ἔτεσι λείπουνσι δυοῖν: that is, 28 years before Ol. 75. 1.

preferable; since it makes no alteration in the several old numbers, and yet affords the same advantage of enabling us to take the years of the Fasti and the chronological years for one another: hence I too have adopted it.

The proceeding of Diodorus is altogether absurd: he must have reckoned 61 Olympiads for the time of the kings, but began from the eighth⁷⁰³: so that he jumbled together the calculations of Polybius and Fabius.

A singular misunderstanding, which I shall clear up in the second volume of this history, misled Varro to suppose that the taking of the city should be placed three years earlier, in Ol. 97. 2: one of these years was set off against the difference in Cato's computation; the result however was that he placed the founding of Rome in Ol. 6. 3.

All these diverging chronological statements have a common ground: Ennius, who reckoned about seven hundred years from the foundation of Rome to his own time, stood on one entirely different. Varro censures him for this calculation as a gross error⁴: and certainly, according to all the above-mentioned systems, about 120 years were wanting of that number, when Ennius wrote the last books of his Annals. Still it is always a mistake, to attribute ignorance on subjects of general notoriety to eminent men, in order to account for anything we find in them that runs counter to the current opinion; and such a charge only brings shame on the person who utters it. Further-on I shall propose another solution, by which the father of Roman poetry would be justified from the cause usual in such cases; his knowing more than his censorer: the simplest explanation

⁷⁰³ As the five books before the eleventh are missing, this can only be proved by inference; from the consuls, who in Dionysius fall in Ol. 75, 76, and so on, standing in the annals of Diodorus under Ol. 76. 77, and so on.

⁴ Varro de Re Rusticâ iii. 1.

Septingenti sunt paulo plus vel minus anni,
Augusto augurio postquam incluta condita Roma 'st.

however seems to be this. If a person, adhering to the old Latin chronological expression, that Rome was built 333 years after the fall of Troy⁷⁰⁵, adopted the Greek statement as to the date of the latter event, the era from the building of Rome, according as he followed Eratosthenes or Timæus⁶, would be carried about 100 or 110 years further back than it was by the writers hitherto mentioned. Supposing that Ennius, who wrote the last book of his poem in 582, preferred the authority of Timæus, and added seven years for the time since the destruction of Troy, Rome at that time, according to this poetical and national view, was near upon seven hundred years old; about 699. Every way it remains equally inexplicable, how he could make Romulus the son of Ilia, and not of Silvia.

But if Ennius was able to get over this contradiction in his poem, neither can it prevent us from supposing Nævius to have adopted the same chronological arrangement: indeed he must decidedly have done so, if it was after him that Virgil modelled the whole passage from which we know it. Perhaps there may be an express testimony on the point, which has escaped me: or on the other hand Newton, in making Nævius place the building of the city a hundred years before the usual epoch⁷, may have fallen under the common lot of human nature, and have erred in confounding him with Ennius.

Cassius Hemina, at the beginning of the seventh century, placed the age of Homer, which Nepos according to Greek tables dated 160 years before Rome, more than 160 years after the Trojan war⁸: he must probably have had the same computation in view.

That the second of the above-mentioned chronological schemes* was likewise made use of, we find a tolerably sure

⁷⁰⁵ See above p. 202.

⁶ The former reckoned 407, the latter 417 years from the fall of Troy to the first Olympiad.

⁷ Chronology, p. 129.

⁸ Gellius xvii. 21.

* Above p. 203, note 578.

trace, though it is mixed up with other things and disfigured. Eutropius dated the building of Rome in Ol. 6. 3.; or, at an average⁷⁰⁹, 394 years after the fall of Troy: these two statements do not coincide according to any of the opinions concerning the beginning of the Olympiads: they are entirely unconnected with each other. A person who reckoned the 360 years not from the fall of Ilion, but from the founding of Alba, and who added the 33 years since the landing of Æneas, and a year for his voyage, would obtain this number.

Timæus, writing about 490, placed the foundation of Rome contemporaneous with that of Carthage, as Dionysius says, and 38 years before the first Olympiad: the same epoch within a year for Carthage occurs in other writers, being probably taken from Apollodorus¹⁰. This in his tables would be 368, with Timæus 379 years after the fall of Troy. Supposing however that Timæus did not reckon backward from the Olympiads, but forward from the taking of Troy¹¹, and mentioned the year 369, and that Dionysius did not remember that Timæus made the interval between that event and the first Olympiad longer by ten years than the current canon; he may perhaps have followed that canon in determining the epoch assigned by Timæus, instead of which he should have fixed it 48 years before the Olympiads. Trogus placed the building of Carthage 72 years before that of Rome¹²: this, if we date the building of Rome with Varro in Ol. 6. 3, would be

⁷⁰⁹ Cellarius has proved that this is the meaning of the singular phrase, *ut qui plurimum minimumque tradiderunt*. The various readings which occur in several of the manuscripts and old editions, are adulterations introduced into the *Historia Miscella* from Orosius: the latter, in making the number of years 414 (II. 4.), must have been misled by some misunderstanding, which in such a writer it is not worth while to investigate; unless ccccxiv be a mistake for cccxciv.

¹⁰ Dionysius I. 74. Cicero de Re p. II. 23. Velleius I. 6.

¹¹ Timæus reckoned 600 years from the fall of Troy to the settlement of Chersicrates in Corcyra: fr. 49 in Goeller's collection.

¹² Justin XVIII. 6.

exactly 48 years before the Olympiads: and it is evident that in the history of Sicily and the neighbouring countries Trogus followed Timæus, at least very frequently. Thus here again we find the second Latin era, 360: for the Sicilian annalist certainly never meant to state that there was a complete coincidence of time in the building of the two cities which had already begun contending for the superiority, or to determine the age of Rome with exactness.

I think I have sufficiently unfolded the causes of the great variations in the statements on this point; variations which have anything but a historical ground. There still remains one to be explained, which differs essentially from all the others, that of L. Cincius Alimentus, who dated the building of the city about the fourth year of the twelfth Olympiad⁷¹³. The question, what occasioned his departing thus from the table of the pontiffs, which he must needs have been acquainted with, is the more important, because Cincius was a really critical investigator of antiquity, who threw light on the history of his country by researches among its ancient monuments. He proceeded in this work with no less honesty than diligence¹⁴: for it is only in his fragments that we find a distinct statement of the earlier relation between Rome and Latium, which in all the Annals has been misrepresented by national pride. He was a senator, and prætor in the second Punic war, although at the beginning of it he had had the misfortune to be taken prisoner by the Carthaginians. That he possessed eminent personal qualities, such as strike a great man, is clear, inasmuch as Hannibal, who used to treat his Roman prisoners very roughly, made a distinction in his behalf, and gave him an account of his passage through Gaul and over

713 Dionysius i. 74. *περὶ τὸ τέταρτον ἔτος*. Solinus 2.

14 For the events of his own time too Livy calls him *maximus auctor*. xxi. 38.

the Alps, which Cincius afterward incorporated in his history. Now it is certainly possible that he may have discovered some Etruscan or Latin chronological tables, which he preferred to the computation of the pontiffs: but it is more probable that his account likewise proceeded only from a consideration of the same statement out of which we have seen so many arise.

That Cincius had written a book on the old Roman calendar, we are informed by Macrobius⁷¹⁵: that he had examined into the most ancient Etruscan and Roman chronology, is clear from Livy¹⁶. And it is by supposing him to have paid regard to a very old measure of time, at a period when it had already gone wholly out of use, that we are enabled to explain his chronological statement completely.

During the earlier ages of my history I cannot avoid inserting disquisitions as episodes: and I think I have the same right to claim indulgence for them, as the ancient historians had to weave episodical narratives into their works. That these digressions are a departure from the character of oral discourse, which history ought always to bear; that they are merely writings, and can only be read by the learned in the solitude of the closet; is an unavoidable disadvantage, to which I certainly do not subject myself willingly. But it seems to me more unpretending, to combine the narrative and the disquisitions into one work, than to reserve the latter for separate treatises, and to assume their results in the former as established: at least such a mode of treating the subject accords with the way in which this history arose and grew.

715 Saturnalia i. 12.

16 vii. 3.



ON THE SECULAR CYCLE.

It is well known that, before the Julian reformation of the calendar, the Roman was a lunar year, which was brought, or was meant to be brought, into harmony with the solar by the insertion of an intercalary month. The great Joseph Scaliger, with that piercing eye which converts the declarations of such as know not what they are saying into evidence of the truth, discovered the original system of this computation with irrefragable certainty. He has shewn that the principle was to intercalate a month, alternately of 22 and 23 days, every other year during periods of twenty-two years, in each of which periods such an intercalary month was inserted ten times, the last biennium being passed over. As five years made a lustre, so five of these periods made a secle of 110 years⁷¹⁷.

The notion that Italy was in a state of barbarism, until science was first introduced there through the intercourse between Rome and Greece, must give way, when we see that she had this easy and regular computation of time, a computation so entirely forgotten in the very age of literary refinement, that Cæsar found the year 67 days in advance of the true time, and was forced to borrow his reformation of the calendar from foreign science. The utter ignorance of the Romans with regard to mathematics and astronomy, the results of which, without the science, had been imparted to them by the Etruscans, may probably have occasioned this confusion early: but

⁷¹⁷ De emendat. temporum, p. 180 and the following pages.

it was turned to account and aggravated by the shameful dishonesty of the pontiffs, who, having assumed the power of intercalating at discretion, favoured sometimes the consuls, sometimes the farmers of the revenue, by lengthening the year, or by shortening it oppressed them.

It is notorious, that, according to concurrent statements of the most trustworthy ancient writers on Roman antiquities, the year of Romulus consisted of only ten months or 304 days. Among the multitude of witnesses on this point, it is sufficient to refer to Censorinus and Macrobius, who state the number of days in these months⁷¹⁸. This year, which taken by itself agrees neither with the moon nor with the sun, appeared so absurd to those who were accustomed only to the views of the Greeks and of later times on the subject, that Plutarch is disposed to doubt it could ever have existed; nay, what is much more remarkable, Scaliger entirely rejects it as a fiction, and following Licinius Macer and Fenestella, who however were likewise misled by their inability to understand it, assumes as certain that the Roman year contained twelve months from the beginning¹⁹. But beside the above-mentioned statements,—which are equalled in precision by few remaining from the earliest times, and therefore must by no means be rejected, if any ground is to be left for history to build on,—we find unequivocal proofs that this year was once actually in use, and more than one evident trace of its application at a later period, when it was no longer known. And it appears from the relation borne by the cycles of this year to the lunar intercalated year explained by Scaliger, and to its secular period, that the former was on the one hand applicable along with the other as a running correction, and on the other hand was preferable to it for scientific uses.

⁷¹⁸ De die natali 20. Saturnal. i. 12.

¹⁹ De emendat. temporum, p. 173.

The first key to understanding this system occurs in a passage of Censorinus; where he says, that the lustre was the great year of the ancient Romans*, that is to say, the cycle at the end of which the beginning of the civil year would coincide with that of the solar. It is true indeed at the same time that he confounds the lustre of his own age, the Capitoline Pentaeterid, as some Greeks do the Olympiads, with the ancient lustre, and supposes it to have been of the same duration: but though a philologist living in a late age may take a wrong view as to the meaning of an ancient statement, this does not lessen its value and use, when the misunderstanding can be pointed out so distinctly as in the present case⁷²⁰.

Five Egyptian solar years of 365 days contain 1825 days; six Romulian years of 304 only 1824. In five years accordingly the Roman computation lost a day, when compared with the Egyptian civil computation, which had no leap-year; but which in 1461 years returned to its original point of starting with the loss of a year, as the circumnavigator of the world returns with the loss of a day: and when compared with the corrected Julian calendar the old Roman lost nearly two days and a quarter. Now this indeed would be so great a variation, that, unless there were other divisions of time, evidently parts of the same system with the year of ten months, supplying the means of a regular intercalation, with that degree of ease and harmony which is a self-evident proof, the cyclical use of such a year would certainly be improbable.

These divisions are the longest and the shortest of the Etruscan periods; the secle, and the week of eight days. The former was likewise the measure for the cycle of

* De die natali c. 18.

⁷²⁰ Censorinus de die nat. c. 18. If there be any who is not entirely convinced by Scaliger's arguments to prove this point, and to shew that a lustre contained five civil years, I refer him to some more specific observations which I shall make when I come to the institution of the censorship.

intercalated lunar years. Of the latter we see traces among the Romans, in the practice of holding the market on every ninth day, the *nundines*: by the Tuscans, or rather according to their system, this day was also called the *nones*; and it is in connexion with this division of time, that the ninth day before the *ides* permanently retained that name. But the Roman *nundines* stood in no relation to the body of their year; and the *nones* were nothing more than a certain day in the month: whereas among the Etruscans they served to mark the weekly periods; and every ninth day was the day of business, on which their kings gave audience and administered justice⁷²¹. The year of ten months containing 304 days was exactly divisible into eight-day weeks, making 38 of them: accordingly there were 38 ancient *nones* in it; and this is the very number of the *dies fasti* retained even in the Julian calendar²². So that the old number was preserved, according to the characteristic Roman way of proceeding: but, since it was utterly insufficient for the business of the forum, a far greater number of other days was added to it under different names. Now as the weeks began every year on the same day of the month, the number of days in the intercalary months, if there were any, must likewise have been divisible by eight: or that order would have been disturbed. But if an intercalary month of three Tuscan weeks, or 24 days²³, was inserted twice in the course of the secle or cyclical period of 110 years or 22 *lustres*, say in the eleventh and the twenty-second *lustre*, the result at the end of that period gives a surprisingly

⁷²¹ Macrobius *Saturnalia*, i. 15.

²² This number Manutius arrived at by merely counting them up, without inquiring into the reason of it: *de dier. ratione* in Gothofredus *auctt.* p. 1382. a.

²³ I conceive myself the better justified in assuming the intercalary month, the *Mercedonius*, to have been shorter than the rest, since that of the lunar year likewise contained only 22 or 23 days.

close approximation to the true time, and a correction for the cycles of the lunar year. For the five periods which form the *secle* have been computed by Scaliger, who sought no higher degree of exactness than that of the Julian calendar, to contain 40177 days: whereas the sum of the days in the cyclical years, after the intercalation just mentioned, is 40176.

This cycle then is more exact than the Julian computation, in which the tropical year is taken at 365 days, 6 hours: for it makes that year equal to $365^d 5^h 40' 22''$, which is $8' 28''$ too little; while the Julian year is too long by $11' 15''$. We cannot indeed assume that the calculation which determined this period, descended to seconds; and we must also observe that no people has undertaken, nor is it practicable, to adapt the civil year to the astronomical with such precision, that the theory of the men of science touching the length of the latter can be exactly made out from a cyclical period however long. It cannot be positively denied, that the space of $15^h 22' 10''$, by which the cyclical period of 110 years is too short, and which in 172 years amounts to a day, was made up by ulterior intercalations: but since the application of the numerical rules, which up to this point give us a complete system, will not carry us any further, this renders it most probable that the Etruscans had fixed the tropical year at precisely $365^d 5^h 40'$.

Of this profound science indeed nothing is said by Censorinus or any other Roman: and Ennius is reported by Censorinus⁷²⁴ to have assigned 366 days to the solar year. But by this he either meant nothing more than that a part of the 366th day is comprised in the tropical year; or, without understanding what he was saying, he set down what at all events he had only heard from others. In Rome itself the ignorance of astronomy in

his time was undoubtedly very great: and if the science of former days was not already extinct, as it was afterward, among the Etruscan priests, all that remained was an acquaintance with its results: just as the Bramins mechanically make use of formulæ, the scientific deduction of which they do not know and would not be able to comprehend.

Now from its scientific exactness it follows that this year was by no means an empty form, but might be practically useful along with the civil year, after the latter had been accurately regulated. For it is clear that in the last period of the secle, instead of an intercalary month of 23 days, which the regular order required, it became necessary to intercalate one of only 22 days, for preserving the harmony between the two systems. This correction was easy, provided a true account of time was kept from the beginning to the end of the secle: and to guard against the confusion threatened by the irregularity in the commencement of the years in the Fasti, the practice of driving in the nail was resorted to, which at Rome was done in the Capitoline temple: to this usage, as has been observed above, the Romans, after the dedication of that temple, were indebted for a true record of time. The meaning of this solemnity, which was deemed ludicrous by the ignorance of later generations, and which probably ceased as soon as it became customary for the new consuls to be elected without any interreign, before the year of their predecessors expired, had been already forgotten about the middle of the sixth century. This led Cincius to relate that he had found similar nails at Vulsinii in the temple of Nortia; he supposed they were scores of the years made at a time when writing was rare⁷²⁵. The object was, to determine how many lustres had elapsed since the beginning of the secle: the close of a lustre, *lustrum conditum*, was doubtless noted in a similar manner.

⁷²⁵ Livy vii. 3.

The whole of the Eastern world followed the moon in its calendar: the purely scientific division of a vast portion of time is peculiar to the West; being the fruit of observations made during many centuries in the primitive ages of the Western world. This Western world was connected with that primeval and extinct world, which we call the New. The ancient Aztecs, whose calendar was the most perfect anywhere used for civil purposes before the Gregorian, had a great year consisting of 104 solar years⁷²⁶. Their mode of dividing it accorded with their system of numeration, in which twenty-five was the base. During this period they too introduced two intercalations, making up 25 days between them: and when we read of the Mexican festivals of the New Fire at the beginning of a new secular period, it is impossible not to be reminded of the Roman, or, properly speaking, the Etruscan secular festivals; more especially as at Rome a new fire was kindled in the temple of Vesta on every first of March. This is a point certainly on which every one must judge for himself: only let not this explanation of the cyclical year be called a mere groundless hypothesis, because its contents cannot be quoted from ancient writers word for word. It results so essentially from this measure of time, with such absolute arithmetical precision, and is in such exact harmony with another system which is known to have existed, that it can no more be owing to a sport of chance, than could mathematical diagrams in the sand. And this is still more decisive than the consideration, that our sole alternative is, between supposing the earliest Romans not only so ignorant but so senseless as to use a calendar dictated by no analogy in nature or science, and

⁷²⁶ There is an excellent treatise on the Mexican chronology by D. Antonio Leon y Gama, entitled *Saggio dell' Astronomia Cronologia e Mitologia degli antichi Messicani*, Roma 1804 (a translation from the Spanish) for the knowledge of which I am indebted to the kindness of Professor Ideler.

supposing them to have used one which had been calculated by some learned people. To assume with Macrobius, who takes no account of the cycle, that, when the seasons did not agree with their months, they let a certain time pass which had no name at all, is, from ignorance of the modes of thinking prevalent even among the rudest tribes, to degrade the Romans in barbarism below the Iroquese. We are far from meaning to class Romulus among astronomers, which Scaliger deprecates: but the name of the Romulian year need not and indeed is not intended to signify anything but the original cyclical one.

The Roman archeologists however were assuredly mistaken in two of their suppositions; that the calendar of ten months was originally the only one in use, and that it was afterward given up entirely. The former is improbable; for that calendar bears so close a relation to the cycle of the lunar year, that it can scarcely be doubted they were formed at the same time: moreover the earliest calendar for popular use would necessarily observe the changes of the moon: and such a one, which adapted itself to the seasons like the Fussli year in India, must always have been requisite. The second supposition is erroneous: on the contrary the year of ten months was undoubtedly still in use long after the time of the kings; and it continued to be applied in certain usages, the origin of which was lost sight of in after times.

The Etruscans used to follow the honest rule of only making peace under the form of a truce for a definite number of years. The Roman treaties with Veii, Tarquinii, Cære, Capenæ, and Vulsinii, are spoken of, almost without exception, as truces, with a specification of the stipulated term. Now the Etruscans are not charged with having broken any of these treaties; though hostilities almost always recommence before the years of the truce have expired according to the Fasti. One instance, among several which are quite unequivocal, and which will be pointed out in the course of the history, is furnished by the peace with Veii in the year 280. This was concluded for forty years.

In 316 Fidenæ revolted, and joined Veii*: which implies that the latter was already at war with Rome. That revolt excited great indignation among the Romans; yet they do not accuse the Veientes of having broken their oaths. A still clearer instance is afforded by Livy's saying in the year 347, when according to the Fasti eighteen years had elapsed of the twenty-years truce made in 329, that it had expired⁷²⁷. These facts can only be explained by supposing the years were those of ten months: for 40 of these are equal to $33\frac{1}{3}$ ordinary ones, 20 to $16\frac{2}{3}$: so that the former truce had come to an end in the year 314; the latter in the year 346.

The Latin tribes and the Hernicans employed very singular methods of computing time; the system of which may perhaps be divined by some one else from what Censorinus says concerning the calendars of Alba, Lavinium, Tusculum, Aricia, and Ferentinum. Their months are said to have varied from 39 days to 16²⁸. The calendar of the Ausonian tribes, whatever its principles may have been, was certainly quite different from the Roman civil one. Hence Rome concluded truces with them likewise, that is, with the Volscians and Æquians, according to cyclical years: thus the truce ratified in 323 for eight years, or $6\frac{2}{3}$ civil years, ended in 330: nor are the Volscians charged with perjury in consequence of their renewing hostilities the next year. The same practice prevailed between the Romans and the Faliscans.

It was unquestionably in the spirit of the Etruscans and Italicans, to make use of an unvarying calendar in cases where even an involuntary transgression threatened to draw down punishment from the gods: and if we suppose that

* Livy iv. 17. Fidenæ—ad Veientes defecere.

⁷²⁷ Livy iv. 58.

²⁸ Censorinus c. 20. 22. I have no doubt, their real nature was of precisely the same kind as the Roman year; only it was disguised by a number of artifices.

disorder had already crept into the Roman intercalations, this motive must have had double weight.

The year of ten months was the term for mourning; for paying portions left by will; for credit on the sale of yearly profits; most probably for all loans; and it was the measure for the most ancient rate of interest.

Scaliger, who stopped only one step short of the point at which he would have discerned the nature of these chronological systems, and who perhaps would not have suffered himself to be repelled by their seemingly strange character, had he possessed a better account of the Aztec calendar; he before whose eyes every scientific people of the earth shed light upon the rest; Scaliger himself remarks, how singular it is, that the Saturnalia and Matronalia, those beautiful festivals of ancient household feelings, so inseparably connected by their spirit, should have been celebrated, the former at the end of December, the latter at the beginning of March.

Of the chronological views which led Ennius to reckon about seven hundred years between the building of Rome and his own time, I have already suggested what I now regard as the more probable explanation: yet we might also suppose them to be cyclical years of ten months; for seven hundred of these make about 583 civil years; and it was in 582 that the old man wrote the last book of his *Annals*.

Ten was the fundamental number of Etruria, being that of the *secles* assigned to the nation: that of Rome was twelve. And the same proportion which exists in time between the cyclical and the lunar year holds in the measurement of space between the Tuscan *vorsus* and Roman *actus*. It even seems as if the Romans put to death twelve Etruscan prisoners for every ten of their countrymen who had been sacrificed by the Tarquinians⁷²⁹.

⁷²⁹ That is,—if, in Livy vii. 19, we may read CCCLXVIII, instead of CCCLVIII, or of CCCXLVIII, as it is in the old editions,—368 men for 307.

Now as every statement of a day prior to the Gregorian reformation of the calendar must be referred, according to the true computation, to a different day from the one mentioned; so would it be with the number of years said to have elapsed, if a state were to adopt a new system of years. The Roman antiquarians assumed, that the years of the city in the earliest tables consisted of only ten months: and most of them ascribed to Numa what they considered as the introduction of a better calendar. For this reason Cincius seems to have reduced the number of the ancient years which he found in the table of the pontiffs, to an equivalent number of common years; and according to the above-mentioned assumption this was certainly necessary, for determining the epoch of the foundation of Rome with reference to a different era. The reigns of Numa and Romulus indeed would only give a difference of 13 years. But Junius Gracchanus, an eminent investigator of ancient customs, maintained that the old calendar continued in use until the time of Tarquinius, that is, Priscus⁷³⁰. Now the pontiffs reckoned 132 years before his reign³¹: if Cincius took these to be cyclical years, he got exactly a secle for the first four kings; and if he subtracted the difference, 22 years, from the era of Polybius, the result for the building of the city would be the very date Ol. 12. 4.

⁷³⁰ Censorinus 20.

³¹ See p. 249.



THE BEGINNING OF ROME AND ITS EARLIEST TRIBES.

WHEN the existence of an unknown southern continent was a matter of general belief, when an outline of it used to be drawn on maps, and it was deemed presumptuous incredulity to reject it as a fiction, an essential service was then done to knowledge by the voyagers who sailed across that line, and shewed that, though certain points and coasts which had been included in it really existed, they did not confer any reality on the imaginary continent. It was a further step, to give a comprehensive proof of its non-existence. But the demands of geography could only be satisfied by an examination of the several islands which exist in the place attributed to the supposed continent: and though the navigator was kept off and prevented from landing on them by reefs and breakers, though mists obscured his view of them, still what he perceived was no longer merely negative gain: and many inferences were to be drawn from our knowledge of such countries, as we had good grounds for deeming of the same or of a similar kind in their physical nature and their population with the regions which could not be immediately explored.

I am not inquiring who was the builder, or the law-giver of Rome: but with regard to the questions, what Rome was, before her history begins, and how she grew out of her cradle, some information may be gleaned from traditions and from her institutions. That which by long meditation on this subject has to me become clear and certain, I am now about to communicate; not in the

form of an endless investigation of every minute circumstance that I build my conclusions on, but acknowledging the rule of asserting nothing however slight with any other than the precise shade of conviction which it has in my own mind, and allowing myself to exercise that freedom of judgement without which such a task becomes irksome.

That Roma is not a Latin name, was assumed to be self-evident⁷³²: and there can be no doubt that the city had another, of an Italian form, which was used in the sacred books, like the mysterious name of the Tiber. The name Roma, which has a Greek look like that of the neighbouring town of Pyrgi, belonged to the city at the time when, like all the towns round about, it was Pelasgian; to the little Roma of the Sicelians or Tyrrhenians, on the Palatine hill. A remembrance of that time is preserved in the statement of Antiochus, that Sicelus came from Roma; and also in the Cuman chronicle*: and if there were any Greek writers who called Rome a Tyrrhenian city³³, I have already mentioned my belief, that, at least in several of them and originally, this unlucky ambiguous name did not mean the Etruscans, but the ancient Tyrrhenians. Whether Roma fell before the Cascans, when they overpowered the Sicelians, is doubtful: but it is most probable that she belonged at one time to the number of the thirty Latin towns, which, while they retained their freedom, acknowledged the supremacy of Alba.

All the legends agree that the Palatine was the original site of Rome: and judging from the mode of fortification in general use among the people of the country, we must needs suppose that it covered the whole hill, the sides of which the inhabitants cut abruptly away as well as they could. No town in such very remote ages

⁷³² Macrobius iii. 9. Romani ipsius urbis nomen Latinum ignotum esse voluerunt.

* See note 595.

³³ Dionysius as referred to in note 597.

would have been so laid out that the line of its walls should pass along the valley around the hill; and only in the course of time, here as at Athens, did the original city become the citadel. What Tacitus speaks of as the *pomœrium* of Romulus⁷³⁴, is an enlargement of the original compass; taking in a suburb, or borough, round about the city, scantily fortified with a mere wall and narrow ditch, as the chronicles describe the Borghi round Florence: this weak fortification is the one that Remus insults in the legend. The word *pomœrium* itself seems properly to denote nothing more than a suburb taken into the city and included within the range of its auspices. By the statement of Tacitus, that of Romulus ran from the Forum Boarium—that is, from the neighbourhood of the Janus which, according to a tradition one would gladly believe, was considered in the middle ages as the remains of the palace of Boethius, the last of the Romans—through the valley of the Circus; then from the Septizonium to about the beginning of the Via del Colosseo, or a little below the baths of Trajan³⁵; from thence along the top of the Velia to the chapel of the Lares; and finally by the Via Sacra to the Forum: here was a swamp reaching to the Velabrum. Another borough, which however was unconnected with the town on the Palatine, and probably was of later origin, stood on the Carinæ, near S. Pietro in Vincola: it had an earth-wall toward the Subura, then the village of Sucusa³⁶; and the gate at the foot of the Viminal, spoken of in the legend of the Sabine war³⁷, the Porta Janualis, can have

⁷³⁴ Annal. xii. 24.

³⁵ Commonly called the baths of Titus. Blondus in 1440 found this district still described in legal documents as the Curia Vetus, and so called by the inhabitants. Roma Instaurata, ii, 32. This line however seems to make much too great an inclination.

³⁶ Varro de l. l. iv. 8.

³⁷ Macrobius i. 9. Cum bello Sabino Romani portam, quæ sub radicibus collis Viminalis erat, claudere festinarent. This is the legend related above p. 227.

been no other than that which closed the bottom of the ascent leading up to the Carinæ.

The remark made by Dionysius, that the Aborigines dwelt upon the hills in a number of scattered villages, is confirmed by the state of the country about the original town of Roma, whatever opinion may be entertained as to the primitive inhabitants. One of these places, as I have already observed, was probably called Remuria: one on the other side of the river, somewhere near S. Onofrio, Vatica or Vaticum: for from a place so called must the *ager Vaticanus* have received its name⁷³⁸: the tradition too which places another village on the Janiculum, seems deserving of attention, however little may be due to its pretended names, Ænea or Antipolis*. These villages must have been the first that disappeared before Rome.

The original territory of Rome, as it did not extend beyond the Tiber toward Etruria, so it was confined on the other sides by the towns on the neighbouring hills³⁹: in the direction of the sea alone did it extend to any distance. So that there was no independent settlement on the Aventine in those days: on the Cælian however was the town of which I shall speak further on. But of incomparably greater importance was the one on what in early times was called the Agonian hill, the town of which the Capitoline may be considered as the citadel: for the skirts of these two hills met in a spot which afterward formed a part of the Forum Ulpium; while a swamp and marsh, extending from the Velabrum across the Forum as far as the Subura, separated this town from Roma on the

⁷³⁸ After the analogy of the *ager Albanus, Tusculanus, Lavicanus*, and so on.

* Dionysius i. 73. Pliny iii. 9.

³⁹ Festus v. Pectusculum palati. Ea regio urbis, quam Romulus obversam posuit, ea parte in qua plurimum erat agri Romani ad mare versus: cum Etruscorum agrum a Romano Tiberis discluderet, ceteræ vicinæ civitates colles aliquos haberent oppositos.

Palatine. If we wish to know the name of this town, I think I may assume without scruple, that it was Quirium; for that of its inhabitants was Quirites⁷⁴⁰. The derivation of Quirites from *Cures* does but badly, that from *quiris* not at all: assuredly too in the earlier legend Numa was described as a citizen of Quirium, not of Cures. The later name of the hill, the Quirinal, is derived from that of the town.

That this hill was inhabited by the Sabines, is as certain, as any well established fact in the ages where we have contemporary history: nor is this certainty lessened by our finding the tradition connected with the war of Tatius and the heroic lay. That the Sabines were an elementary part of the Roman people, appears from most of the Roman religious ceremonies being Sabine, and referred, some to Tatius⁴¹, some to Numa. The connexion too between the Quirinal and Capitoline hills was preserved in undisputed recollection⁴²: the place where the house of Tatius had stood, was shewn in the Capitol, on the spot where the temple of Moneta was afterward built⁴³. The Sabines, when they had driven the Cascans and the Umbrians before them, continued to push forward their conquests down the Tiber: hence we find their towns Collatia and Regillum in the midst of the Latin ones in this district⁴⁴: the Latin or Siculian towns, amongst which

740 After the analogy of *Samnium*, *Samnis*. By the way, the town, a citizen of which was called *Interamnus*, (Cicero pro Milon. c. 17.) a name altered by the critics into *Interamnus* contrary to the manuscripts, must have been *Interamnium*: the other town was *Interamna*.

41 Varro de l. l. iv. 10. p. 22. Dionysius ii. 50.

42 Τάτιος (ᾧκει κατέχων) τὸ Καπιτώλιον ὅπερ ἐξ ἀρχῆς κάτεσχε, καὶ τὸν Κυρίνιον ὄχθον. Dionysius ii. 50. One might suppose that the first Sabine settlement was on the Tarpeian rock; cum Sabini Capitolium atque arcem implessent: Livy i. 38. When the junction of the Quirinal with Rome is ascribed to Numa (Dionysius ii. 62.), this is in reference to the Sabine character of that hill.

43 Plutarch Romul. c. 20.

44 Collatia, et quidquid circa Collatiam agri erat, Sabinis ademptum. Livy i. 38. But we must not overlook that Virgil mentions it among

they established themselves, it is more than probable, were subject to them. Nor did the original town of Roma escape this lot; though she may perhaps have maintained herself for a considerable time against the rival town which was rising on the opposite side of the intervening marsh. Roma and Quirium were two completely distinct towns; like the Greek and Hispanian Emporiæ, which were separated as states, and by walls*; like the Phenician Tripolis of the Sidonians, Tyrians, and Aradians†; like the Oldtown and Newtown of Dantzic in the middle ages, and the three independent towns of Königsberg, which, while their walls met, made war with one another; like Ghadames in Northern Africa, where two hostile tribes dwell within the same inclosure, separated from each other by a partition-wall‡. Nor have all traces of the steps by which the two towns were united into one state, been effaced. A tradition was preserved, that each had its king, and its senate of a hundred men⁷⁴⁵, and that they met together in the Comitium, which received its name from thence, between the Palatine and the Capitoline hills⁴⁶. Let me not be charged then with offering a vapid interpretation of the poetical story, such as I should reject with disgust, if I interpret the rape of the Sabines

the Latin towns: *Æn.* vi. 774. Regillum is spoken of as Sabine: *Livy* ii. 16; *Dionysius* v. 40.

* *Livy* xxxiv. 9.

† *Strabo* xvi. p. 754. d.

‡ *Lyon's Travels in Northern Africa* p. 162.

⁷⁴⁵ Ἐβουλευόντο οἱ βασιλεῖς οὐκ εὐθὺς ἐν κοινῷ μετ' ἀλλήλων, ἀλλ' ἑκάτερος πρότερον ἰδίᾳ μετὰ τῶν ἑκατόν, εἶτα οὕτως εἰς ταυτὸν ἅπαντας συνήγον. *Plutarch Romul.* c. 20.

⁴⁶ I am aware the word *comire* was considered as only containing a record of the meeting in which the two kings concluded the treaty (*Plutarch Romul.* c. 19.); and hence their statues were erected in the Comitium, in the Via Sacra; that is, in the part of it which led from the side of the Capitol to the gate of the Palatium. But the Comitium was afterward the place where the patricians assembled; and as the senates of the two cities met there, so assuredly in case of general deliberations did the whole body of the citizens, the ancestors of the patricians.

and the war which broke out in consequence, as representing that at one time there was no right of inter-marriage between the two cities, and how the one which had before been in subjection, raised itself by arms to an equality of civil rights, and even to a preponderance. The preservation of Romulus and Remus is a fable, such as may pass from the heroic poetry of one people into that of another, or may arise in several places, as it was told of Cyrus in the East, and of Habis in the West: but the rape of the Sabines relates to traditions of quite another kind.

When the two cities had been united on terms of equality, they built the double Janus⁷⁴⁷ on the road leading from the Quirinal to the Palatium, with a door facing each of the cities, as the gate of the double barrier which separated their liberties: it was open in time of war, that succour might pass from one to the other; and shut during peace; whether for the purpose of preventing an unrestricted intercourse, out of which quarrels might arise, or as a symbol of their being distinct though united. The boundary between the two towns was probably marked by the Via Sacra; which came down from the top of the Velia, between the Quirinal and the Palatine properly so called, and then making a bend ran between the latter and the Capitoline, as far as the temple of Vesta, whence it turned right across the Comitium toward the gate of the Palatine: it was evidently destined for common religious processions.

Among the vestiges of the joint kingdom was the double throne, which Romulus retained after the death of Remus⁴⁸: we may also discern a symbol of the double state, as the ancients have done before us⁴⁹, in the head of Janus which from the earliest times was stamped on

⁷⁴⁷ The Janus Quirini. The other Januses in the Via Sacra were of the same kind.

⁴⁸ See above p. 224, n. 626.

⁴⁹ Servius on *Æn.* i. 291. *Alii dicunt Tatium et Romulum facto foedere Jani templum ædificasse, unde et Janus ipse duas facies habet, quasi ut ostendat duorum regum coitionem.*

the Roman as: the ship on the reverse side alludes to the maritime sway of the Tyrrhenians.

A double people the Romans certainly continued to be until low down in the historical age: it was natural that this should be indicated symbolically on many occasions. And this is the true meaning of the story of the twin brothers: which, if it was first occasioned by the union of Roma with Remuria, was kept up by that of the Romans with the Quirites; and gained the most vivid reality from the relation between the patricians and the plebeians. Romus and Romulus are only different forms of the same name⁷⁵⁰; the Greeks, on hearing a rumour of the legend^a about the twins, chose the former instead of the less sonorous name of Remus.

The union became firmer; whether they were alarmed by the progressive approach of the Tuscan conquests, or by the power of Alba. In course of time, when the feeling that the citizens of the two towns were one people had been fostered by intermarriages and a common religious worship, they came to an agreement to have but one senate, one popular assembly, and one king, who was to be chosen alternately by the one people out of the other⁵¹. If we might suppose that in touches of this kind the poetical story aimed to present us with historical traditions, the establishment of this legitimate order was preceded by a usurpation on the part of the Romans, whose king prevented the election of a successor to his Quirite colleague. From this time forward at the least the two nations, having now become one, were styled on all solemn occasions *populus Romanus et Quirites*; or properly, after the old Roman usage of combining such names by mere juxtaposition, *populus Romanus Quirites*⁵²:

⁷⁵⁰ See note 219.

⁵¹ It was because the *patres* were conceived in later times to be in all cases the same as the senators, that the story of Numa's election assumed its present form.

⁵² This is established by the learned Brissonius: de Form. l. p. 61:

which in later times was distorted into *populus Romanus Quiritium*. For although subsequently the names *Quirites* and *plebeians* were synonymous, this ought not to shake the credit of the tradition, that the former were properly the Sabine subjects of Tatius. It is easy to understand how, after all distinction between the Romans and the ancient Quirites had ceased, the name was transferred to the plebeians, who were now placed in similar circumstances with the latter. By this union Romulus was converted into Quirinus: and Quirium probably became that mysterious Latin name of Rome, which it was forbidden to utter.

Wherever mention is made of tribes in ancient history, before the time when an irresistible change in the condition of society led to democratical institutions, if there be any difference in their rights and anything can be discerned of their nature, it is manifest that they are either distinct castes or of different origin: and even the distinction of castes, where it can be accounted for, always arose from immigration or from conquest, even in Egypt and India. This fate therefore must have been experienced by Attica even before the Ionian immigration; if the opinion that there were at one time three tribes there, formed by the nobles, the peasants, and the craftsmen⁷⁵³, be anything more than a dream. For the

he only goes too far in imputing the later corruption, which Livy found already in use, to the transcribers, and in wishing to rid Roman writers of it. This exaggeration was the cause which prevented even that excellent critic I. F. Gronovius from perceiving the truth of the remark: Obs. iv. 14. It is like *lis vindiciæ* and *lis vindiciarum*.

⁷⁵³ Julius Pollux viii. 111. Ἐνπατρίδαι, γεωμόροι, δημιουργοί. But the light which Hermann has thrown on this subject, in his preface to the Ion p. xxi, makes me consider it almost certain that the statement is not authentic. Assuredly they would not have derived their names simply from their callings: probably however it may be the fact, that at Athens also, before the time of the Ionians, there were three tribes, the names of which are unknown.

T

four Ionic tribes there is historical evidence; but the explanation which converts them into castes rests only on a very dubious interpretation of their names, assuming that they express conditions and callings more or less clearly, and answer to the four tribes of Dgiamshid, the priests, the warriors, the husbandmen, and the shepherds. At the same time it must not be overlooked that in rank, as to which the order of the names is unquestionably decisive, the Hopletes are the last⁷⁵⁴: so that the warriors would stand below the labouring classes.

As to the practice of dividing a people into tribes according to the different nations or places it came from, it is sufficient to adduce two instances from the earlier ages of Greece. The Cyrenians were distributed by Demonax into three tribes: one contained the Theræans and their subject peasantry; the second the Cretans and Peloponnesians; the third all the other islanders⁵⁵. Another instance is furnished by Thurium: first in the relation between the old Sybarites and the new citizens,—although that belongs also to another head,—and next in the division of the latter, when they had got rid of the others, into ten tribes, according to their descent from the Peloponnesus, from Athens and the Ionian towns, or from other states between the Isthmus and Thermopylæ⁵⁶. Still nearer home we find a similar instance at Mantua: where the *power of the Tuscan blood* among the three tribes can only be explained to mean, that one of them,

⁷⁵⁴ Not only according to Herodotus v. 66, but also according to the Cyzicene inscription cited by Wesseling in his note.—Hermann's remarks have completely freed me from the yoke of an opinion to which I had long been accustomed.

⁵⁵ Herodotus iv. 161. In this division it deserves to be noticed, that, although at Thera there was a narrow aristocracy, and only a very limited number of houses were eligible to magistracies, in this colony the Theræans and their subjects were on a level.

⁵⁶ Diodorus xii. 11.

the ruling one, consisted of Tuscans; the others of foreigners; Ligurians or Umbrians⁷⁵⁷.

Thus the citizens of the two towns, when their confederacy was converted into a union, became the members of two tribes, the Ramnes and the Tities, whose names are deduced with one consent from their royal founders. But along with them we find a third tribe, the Luceres; a name the explanation of which was a matter of much controversy among the Roman antiquarians. Most of them⁵⁸ derived it from Lucumo, a pretended Etruscan ally of Romulus, who is said to have fallen in the Sabine war⁵⁹; some from Lucerus, a king of Ardea⁶⁰: in other words the citizens of this tribe were held by the former to be Etruscans, by the latter to be Tyrrhenians.

A perfectly natural explanation is supplied by another form of the name, *Lucertes*⁶¹, which manifestly comes, like Tiburtes, from that of a place, Lucer or Lucerum. These likewise were the citizens of a separate town, who

⁷⁵⁷ In a note on *Æn.* x. 201, and foll.

—sed non genus omnibus unum.

Gens illi triplex, populi sub gente quaterni:

Ipsa caput populis, Tusco de sanguine vires:

Servius, wretchedly as he has been mutilated in the later books, has yet preserved a scholium of some value: quia Mantua tres habuit populi tribus, quæ in quaternas curias dividebantur. *Gens* is used for *tribus*, as the ten tribes of the Persians are called γένεα in Herodotus, i. 125, and the φρήτρη of the Achæmenids is included in the γένος of the Pasargads. In the passage of Virgil however the division according to descent appears to be mixed up with a local one: the *populi* seem to be twelve demes in the territory of Mantua. At least the words may naturally mean, *Mantua is the chief over twelve demes*; whereas they must be very artificially strained, if Virgil intended to say, *she is the chief of the curies contained in her tribes*. On *Tusco de sanguine vires*, Servius says: quia robur omne de Lucumonibus (from the ruling Etruscans) habuit.

⁵⁸ Even Cicero de re p. ii. 8.

⁵⁹ Merely because he never appears afterward. The name of *Lucomedi* (see Festus) for the Luceres must have been confined to poets.

⁶⁰ Festus v. Lucerenses.

⁶¹ The same in the same place.

were incorporated and formed a new tribe: the site of their town must be looked for on the Cælian. This hill is said to have formed part of the city even in the time of Romulus⁷⁶²: Tullus Hostilius however is considered as properly the founder of the settlement upon it, in consequence of his bringing the Albans thither: this then was the abode of the Alban houses which he raised into Roman ones, as that of the Sabines was on the Quirinal. A branch of the Romans is referred to Tullus, in the same manner as the two primary tribes are to Romulus and Numa, and the plebs to Ancus: these four kings are spoken of as the authors of the ancient laws, and only these, not Tarquinius⁶³: assignments of lands too are ascribed to them all four, which is a token that they were regarded as the founders, each of a distinct part of the Roman nation. Now the only part left for Tullus are the Luceres; so that these must be the same with the citizens of his town on the Cælian, which I shall henceforward call Lucerum without further preface. To the very same spot are we led by the story deriving their name from Lucumo in the time of Romulus: for this Lucumo is no other than the Tuscan captain Cæles Vibenna, who is said to have settled on this hill with his band of followers, and from whom its name was deduced. With regard to the king by whom he was received, there were very different statements: some of them went back to the time of Romulus⁶⁴; because the Cælian was already belonging to Rome before the union with the Sabines. The powerful Etruscan was conceived to be a Lucumo; and his appearing in the two forms of Lucumo

762 Dionysius ii. 50. ὅκει 'Ρωμύλος τὸ Παλάτιον (κατέχων) καὶ τὸ Καίλιον ὄρος.

63 Numa religionibus et divino jure populum devinxit, repertaque quædam a Tullo et Anco. Tacitus Annal. iii. 25.

64 Dionysius ii. 36. ἐφ' ἐνὸς ἡγέμονος ἐκ Τυρρήνιασε' λθόντος, ὃς Καίλιος ὄνομα ἦν, τῶν λόφων τις ἐν ᾧ καθιδρύνθη Καίλιος—καλεῖται.

and of Cælius is owing to those who held the former to be a proper name.

As Numa, the father of the Tities, was made to come from Cures, so was Tullus Hostilius through his father⁷⁶⁵ from Medullia, a Latin town which had been conquered by the Romans. This implies that Lucerum was in a state of subjection, and was inhabited by a Latin race, anterior to the Alban settlement: so likewise does the account that the Cælian was subject to the Roman kings in the days of Tatius.

As the citizens of each of these places formed a separate tribe, so did the territory belonging to each form a region in the total domain⁶⁶. This is erroneously represented as a division of the ager. There is less incorrectness in the view which ascribes the assignment of landed property to the founders of the three tribes, the first three kings: for according to the principles of the Roman constitution

⁷⁶⁵ Dionysius iii. 1. His voluntary removal is a recent alteration, for the sake of preserving an imaginary decorum: in the old legend he must have been among the captives who were carried away to Rome. It is by no means necessary to regard the derivation of the Hostilii from Medullia as a fiction: the surname Medullinus in the Fasti shews that a family of the Furii were of the same origin; as does that of Camerinus that a branch of the Sulpicii came from Cameria: both towns according to the legend were reduced and incorporated by Romulus. A considerable number of Roman surnames are without doubt derived from the names of towns, every recollection of which has been erased from history: thus there must have been such towns as Viscellia and Malugo. The houses which bore these surnames belonged probably to the Luceres: as all those which are called Alban houses admitted by Tullus, and accordingly even the Julii, did necessarily. Among these Albans there were Cloelii and Servilii: the Fasti exhibit the names Cloelius Siculus and Servilius Priscus, both which surnames are evidence of Latin blood. Others attest that some of the ancient houses were sprung from different nations; such as Aquillius Tuscus, Sicinius Sabinus, Cominius Auruncus: the Auruncians were the nation to which the Cascans belonged. Above pp. 68. 81.

⁶⁶ Varro de L. L. iv. 9. p. 17. Ager Romanus primum divisus in partes tres: a quo tribus appellatæ, Ramnium, Titiensium, Lucerum.

all such property emanated from the republic: those who became citizens delivered up theirs to the state, and received it back from the hands of the same. The ignorance of later ages regarded this as a partition of the domain.

In every nation of antiquity there was a peculiar immemorial mode of division into a stated number of tribes. If the citizens of a state, whether the whole body of them, or a portion of that body, enjoyed an equality of civil rights, and at the same time did not live united together in a central capital, but scattered about in hamlets, these were subjected to the same principle of arrangement. The Dorians in Rhodes dwelt according to their tribes in its three cities⁷⁶⁷: the same division by three lies at the bottom of that of the Latin towns, and of the plebeian tribes, as well as of the curies: the two former like the latter were subdivisions of tribes; and the former like the latter contained only a decury apiece, of which we find traces in the Latin tradition representing the founding of Lavinium as its restoration*. Thus the senate of a Latin town consisted of ten decuries: an institution which was retained in the Latin colonies, and preserved or introduced by the Julian law in all the municipal towns created by it, where the senate consisted of the stated number of a hundred decurions. The Roman senate when completed was formed by the united senates of the three towns, each of which sent a hundred senators.

These tribes were not castes: yet if a new state arose, it was not allowable for it to deviate from the peculiar fundamental institution of the nation it belonged to. When Demonax settled the constitution of Cyrene, the phyles he established were different from the original

⁷⁶⁷ Iliad B. 668. Τριχθαὶ δὲ ᾤκηθεν καταφυλαδόν. The Dorians everywhere appear as τριχαῖες.

* See above p. 198.

Dorian three, because circumstances made such a difference necessary: but inasmuch as Cyrene was substantially a Dorian city, although some Ionian islanders were incorporated, the tripartite division was kept. The Sabines had very probably a different division from the Latins: but according to that division Quirium belonged in the same manner as Roma to a tribe of its nation. When Roma and Quirium both separated themselves from their respective nations and established an independent state, the Latin principle became the prevalent one in this state; and they took three for the number of their tribes, because the power of Roma preponderated. Hence the account in the old narrative, that the thirty curies were established immediately after the union of the two states, is not incorrectly conceived: only it must not be referred solely to the Romans on the Palatine and to the Sabines. The third tribe was formed by the Luceres, although they were under the supremacy of Rome, and their senate was not incorporated till afterward: nor would their burghers be admitted to the comitium. Thus the Irish parliament till 1782 was dependent on what had long before become the united parliament of Great Britain.

The gradual extension of the rights of citizenship to the second and the third tribe is scarcely perceptible in the historians that remain, except in the accounts how the number of the senators was augmented: in these it is apparent, notwithstanding the discrepancies in the details. All agree in making the senate consist at first of a hundred: Livy is the only one who says nothing of its enlargement after the peace with the Sabines: the common tradition, in accordance with a correct view of the subject, relates that it was doubled. A few writers stated that the number was only raised to a hundred and fifty⁷⁶⁸: these conceived that all the three tribes were represented, by fifty apiece, as in the council of Five-hundred at Athens;

768 Dionysius II. 47. Plutarch Numa c. 2.

and that before the federation with the Sabines the Ramnes and Luceres were so by the original hundred. The connexion between this account and the one that Tarquinius Priscus doubled the number of senators⁷⁶⁹, I shall explain in the proper place: it is sufficient for the present to acknowledge that when Dionysius states, the senate was augmented by Tarquinius from two to three hundred, this is manifestly the correct way of expressing the admission of the third tribe: whereas on the contrary in the account of his having filled up the number by adding two hundred⁷⁰, it is forgotten that the elevation of the Sabines preceded that of the Luceres.

Each of these towns, even the dependent one of Lucerum, had not only a senate of its own, but its peculiar civil and ecclesiastical dignities: and these were preserved as far as was possible, when the two sovereign bodies of citizens were transformed into tribes. Dionysius says, that Numa put a stop to disputes among the patricians, without taking any of their rights from the original citizens, the Albans of Romulus, by granting other honours to the new citizens, the Sabine tribe⁷¹. No new honours however were created on the union of the two states; but each preserved its own. The Luceres on the contrary at the time of their union were only admitted to a share in a few: their offices continued to subsist among them, not however as national, but as local offices, as was the case subsequently in the municipal towns. Hence in most of the offices under the republic we find the two tribes

769 In the Section on the Six Equestrian Centuries. Those who wrote that Tullus Hostilius increased the number of the knights by ten turns, or by a third, and also that of the senate, regarded him as the founder of Lucerum; and forgot the distinction between the separate institutions of a single city, and those of a tribe.

70 Zonaras vii. 8.

71 τὸν πατρικίους οὐδὲν μὲν ἀφελόμενος ὧν οἱ κτίσαντες τὴν πόλιν εὗροντο, τοῖς δ' ἐποίκοις ἑτέρας τινὰς ἀποδοὺς τιμὰς, ἔπαυσε διαφερομένους. ii. 62.

represented, seldom the three. This relation, and the way in which the inferior houses were kept in the back ground, appears most clearly in the colleges of the priests.

Before the senate was thrown open to the third tribe, there were only four Vestals: the same king who enlarged its civil rights, added two to the number of the virgins, that each tribe might have its own ⁷⁷².

According to the same principle, as Livy had been informed, there ought to have been one augur, or, if more, an equal number, for each tribe ⁷³: hence, as there were only four when the Ogulnian law was passed, he conjectures that two places must have been vacant from deaths. But that law can never have been enacted with reference to such an accidental diminution of the number, or have made it a ground for abridging the rights of the patricians: it is clear that only the first two tribes had augurs, two apiece, and that Tarquinius did not place the third on the same footing with them in this case, as he did in that of the Vestals. Two out of these four are said to have been instituted by Numa ⁷⁴.

The pontiffs likewise had continued to be four in number, that is, two apiece for the Ramnes and the Tities ⁷⁵: and the preliminary ceremonies in an assembly

⁷⁷² Festus v. Sex Vestæ Sacerdotes: Dionysius ii. 67. Plutarch (Numa c. 10.) ascribes the last augmentation to Servius, but speaks of a previous one, from two to four.

⁷³ Livy x. 6.

⁷⁴ Cicero de Re p. ii. 14. The account in the same work ii. 9, that Romulus appointed three augurs, is founded on the supposition that each of the three towns had its own.

⁷⁵ According to Livy's express testimony x. 6. Cicero indeed says, that Numa instituted five pontiffs (de Re p. ii. 14); but in so doing he reckons the chief pontiff, who was not one of the major pontiffs, along with them. Had the number been five, the Ogulnian law would not have added four, but five plebeians; more especially as five was the plebeian number. Including the chief pontiff they subsequently made nine, like the augurs; being the same multiple of the number of the original tribes: hence Sylla augmented them to five times three. The minor pontiffs, whose name, when its meaning was forgotten, was

of the *populus* were performed by only two *flamens*, along with the pontiffs and augurs⁷⁷⁶: although the greater *flamens* were three in number; so that there was also one for the third estate. The *fecials*, the judges of international law, were twenty⁷⁷; that is, one from every *cury* of the first two tribes: thus also four of them used to be sent on embassies, two from each tribe⁷⁸.

The same principle of placing the two tribes on an equality, and keeping the third below them, is apparent in the fraternities. The original Salian priests of *Gradivus* had their chapel and sanctuary on the Palatine; for they belonged to the primitive Romans: the *Agonales*, the priests of *Pavor* and *Pallor*, had theirs on the Quirinal; consequently they were of Sabine origin⁷⁹. So confessedly were the *Sodales Titii*: they probably answered to the *Fratres Arvales*. Lastly even the *Luperci* had two colleges; the *Fabii* and the *Quinctilii*. The former, who are said to have been the comrades of Remus, may be considered as the Sabine fraternity; more especially as the Fabian house seems to have belonged to the Sabines⁸⁰: the rivalry between the two tribes gleams through the legend⁸¹. It may perhaps have been the wish to deal evenly with both, that determined the number of the *duumvirs* who

transferred to the secretaries of the college, were most probably those of *Lucerum*.

776 Dionysius x. 32. *ἱεροφαντῶν τὲ παρόντων, καὶ οἰωνοσκόπων, καὶ ἱεροποιῶν δυοῖν.*

77 Varro 3 de vita p. R. in Nonius de doctor. ind. xii. 43. v. *Fetiales*. *fetiales viginti qui de his rebus cognoscerent, judicarent, et constituerent (statuerunt).*

78 Varro in the passage of Nonius last quoted: *fetiales legatos res repetitum mittebant quatuor*. By the way, in the same paragraph, where the edition of Mercerus has *magna licentia* bella suscipiebant, and the interpolated editions *nulla licentia*, the true reading is *magna diligentia*.

79 This was forgotten in the tradition which attributes the institution of them to Tullus Hostilius.

80 See note 810.

81 Ovid Fast. ii. 361, foll.

kept the Sibylline books, and that of the *duumviri Perduellionis*: that of the consuls however probably rested on different grounds: it is more likely that the laws of Servius designed one of them to be a plebeian.

Had the royal dignity been entrusted for life to two elective magistrates, it would have been ruinous to the peace of the state: the survivor would have found it easy to prevent the election of a successor to his colleague, as Romulus is related to have done. That instead of choosing two kings, the practice was adopted of electing one alternately from the Romans and from the Quirites, is visible in the instances of Tullus and Ancus, the former of whom is connected with the Romans through Hostus, the latter through Numa with the Quirites. Numa belongs to the earlier order of things, when the king was elected by one tribe out of the other.

The first two tribes having these decided privileges, as the whole body of the original citizens were called the patrician houses⁷⁸², the third tribe properly bears the name of the minor houses. The votes of the senators of this class were taken after those of the major houses⁸³: in like manner the curies of the Luceres were assuredly not called up during a long period till after the others. Their distinguishing epithet answers to the difference in civil rights; and this was so trifling between the first two tribes, that the error of Dionysius in applying the name of minor houses to the second, falls to the ground of itself, as soon as it is pointed out.

A certain precedency indeed the first tribe must have maintained; and this is agreeable to the general course of history: thus at Cologne the fifteen oldest houses always ranked above the rest. The title of the *decem primi*,

⁷⁸² Gentes patriciæ. See note 821.

⁸³ Cicero de Re p. ii. 20. Hence Dionysius, ii. 62, from confounding the Tities with them, says, that the senators of Alban extraction created by Romulus, the Ramnes, laid claim γνώμης ἀρχεῖν.

whom we hear of in the Latin senate even before their great war with the Romans*, as we do afterward in all the colonies and municipal towns, denotes, according to the simplest explanation, the body formed by the ten who were the first in their respective decuries. In the Roman senate likewise there were ten such chiefs⁷⁸⁴; and these undoubtedly were the same who formed the decemvirate of the interrexes, one from each decury. Mention is also made of the judicature in capital causes having once been confined to the purest tribe⁸⁵: and whatever may have been the exact state of the case as to this obscure point—for that the Tities, even supposing they had no share in the capital jurisdiction over the minor houses, must have exercised one over their own members, is indisputable; and besides, as I have already noticed, two was the number of the judges for capital causes—at all events the account implies a tradition of the precedence of the lofty Ramnes⁸⁶.

* Livy viii. 3.

784 Valerius Maximus i. 1, 1. Ut decem principum filii singulis Etruriæ populis traderentur. The same ten were also sent by the Romans on embassies; even to the plebeians during the secession: οἱ ἡγούμενοι τοῦ συνεδρίου καὶ πρῶτοι τὰς γνώμας ἀποφαινόμενοι τῶν ἄλλων ἡμεῖς ἐσμέν; the ten ambassadors: Dionysius xi. 34.

85 τὰ νόμιμα δικαστήρια περὶ θανάτου καὶ φυγῆς μεταφέροντες ἐκ τῆς καθαρωτάτης φυλῆς ἐπὶ τὸν ῥυπαρώτατον ὄχλον. Dionysius ix. 44.

86 Celsi Ramnes. *Welcome, proud cousins, (stolze Vettern)* was the address with which the members of a house greeted each other in Ditmarsh; and in the Danish ballads *proud (stolt)* is perpetually used as an honorable epithet for a damsel.

THE PATRICIAN HOUSES AND THE CURIES.

THE tribes in the states of antiquity were constituted on a twofold principle: in some states the arrangement was regulated by the houses which composed the tribes, in others by the ground which they occupied. It might seem as if the two principles must have coincided, when at the settlement of a city a tribe consisting of certain houses had a whole tract of land assigned to it; nevertheless this did not form its bond of union. Dionysius, who is a diligent investigator of antiquities, makes this express distinction between the earlier Roman tribes, and those of Servius, calling the former genealogical, the latter local⁷⁸⁷; a distinction assuredly borrowed from older authors. Aristotle, it is true, does not take any notice of the hereditary tribes, any more than Polybius; for although in his time such tribes must have been still subsisting here and there, the notion of arranging a state according to combinations of families would no longer have occurred to any legislator.

The genealogical tribes were more ancient than the local, by which they were almost everywhere superseded. Their form in its utmost strictness is that of castes; where one is separated from another, without the right of intermarrying, and with an entire difference of rank; each having an exclusive unalterable calling; from which, if there be any necessity, an individual may be allowed to

⁷⁸⁷ φυλαὶ γενικαὶ and τοπικαί: Dionysius iv. 14.

descend; but to rise is impossible⁷⁸⁸. In course of time the severity of these institutions relaxes, except where a divine law is given out to be their origin, until there is a complete equality among the tribes: when, among themselves, like the Venetian nobility, they form a democracy, although they may be the rulers over subjects that outnumber them many times over. According to the principle of this constitution, the houses are conceived to have existed before the state; and the state to have been composed out of these its elementary parts: nor can anybody belong to the state, unless he is a member of a house; which, by the institution of castes, can only be by legitimate descent. In the mildest form of such a government, it is allowable to admit freemen connected with the state by a community of national law: and this admission may take place by the resolution of a particular house⁸⁹, or of the majority in a general assembly of the houses, or by means of definite powers vested in a particular member of a house: in solitary instances it is conceivable that even a whole house should be incorporated, that is, in the room of an extinct one. For the total number is fixed, and in no way can it be augmented.

The local tribes when first established are adapted to the division of a country into districts and hamlets: so that every one who at the time when such a division was made, for instance in the age of Clisthenes in Attica, was settled in any village as its demote, was enrolled in the phyle to the region of which the village belonged. Now ordinarily the descendants of such a person continued members of the same phyle and the same deme, without

⁷⁸⁸ This however does not prevent any one from seizing on the government, who can do it by force of arms; as Amasis did: thus the Mahrattas and their princes belonged to one of the lower castes.

⁸⁹ Thus an alien, who produced uninterrupted evidence of his honorable birth, lineage, life, and conversation, was adopted by the houses of Ditmarsh as a cousin, and held in no less estimation than one who was born a member of the sept. See the chronicle of Neocorus.

regard to the place of their residence; whereby this division likewise acquired a semblance of being regulated by descent: and had the great council been entirely closed against the admission of new citizens, and had it been impossible for a citizen to remove from the tribe of his ancestors, the local tribes would have been transformed into genealogical ones. This will appear distinctly further on, from the account of a change of this kind in modern times*: in antiquity there is no instance in which the object of keeping the state from being stifled by the bonds of hereditary privileges was thus forgotten. The connexion of a citizen with his local tribe was not indissoluble: a family might obtain a removal into another deme, though it is probable that the inducements to apply for it were extremely rare: the number of the demes was variable: new phyles might be added to the existing ones, or these might be remodelled; and every one who received a franchise by a decree of the people or by the law, was enrolled in a deme.

If any one makes the presumptuous attempt to frame a distinct conception of the way in which states arose out of a foregoing order of things where no civil society existed, he is forced to mount up in thought to an age when such families as spring from one stock live united in a patriarchal manner into a little community: such a community he will consider as a house; and the coalition of several of them, as the social compact, the formation of a state. Aristotle himself in an unguarded moment gave way to this illusion⁷⁹⁰; and Dicæarchus explicitly deduced the houses from the ramifications of a common pedigree, and the phratries from combinations of the houses by marriage⁹¹.

* See the latter part of the section on the Six Equestrian Centuries.

790 When he applies the term *ὁμογάλακτας* (Politic. I. 1), which is synonymous with *γεννήτας* (Pollux viii. 111.) to a family descended from a common ancestor.

91 See Stephanus Byz. v. Πάτρα.

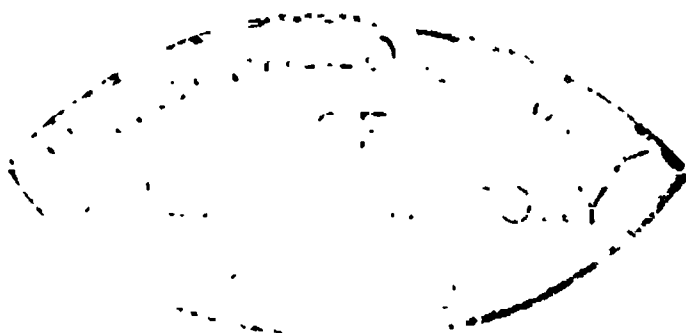
Now Aristotle perceived more clearly than any one has ever done since, that union in a political society is essential to human nature, and that it is impossible to conceive a man, above a mere animal, except as born and living in a state; nor could any one be less inclined to search after imaginary beginnings of things: so that assuredly he was not thinking in this place of a primitive state of humanity, but of one where the social union had been dissolved, where the germ of it however was still subsisting. The philosophers of the Lyceum had probably heard accounts of the settlements that had arisen within the memory of man in perfect freedom among the hills of Epirus or Ætolia; and their mistake lay only in confounding the systematical institutions enacted by legislators, with such as were the growth of nature, the prototypes which suggested those institutions. For had there not been the example of houses that had grown out of families, no one would have formed any as the elements of states: just as the changes of the moon have led to the division of the solar year into months, which nevertheless do not bear any reference to the moon.

In those happier times when the Turkish empire was verging without any hinderance to its dissolution and ruin through its own barbarism and wickedness; and when the Christians under its yoke were taking advantage of the growing sluggishness, rapacity, and shortsightedness of their tyrants, to lay the foundations of freedom for their posterity, which must have been attained but that the malice of fiends has converted the noblest hopes into the agonies of despair:—in those happier times when much that was great and excellent was surviving here and there in that unfortunate country unobserved, and thus escaped being crushed and destroyed; some bands of free-spirited men retired from various parts of Epirus to the mountains of Suli. There was formed that people, which by its heroism and its misfortunes has left the Messenians far behind it, and the extermination of which,

through the agency of the Franks, will draw down on our age the curses of posterity, long after all the guilty have been called before the judgement-seat of God. The Suliots consisted of one and thirty houses or *pharas*⁷⁹²: these, so far as we can gather, were actually families descended each from a common stock; varying in numbers, but each having its captain, who was its judge and leader; the captains collectively made up a senate. What renders the image of antiquity a complete one, is, that this people was the sovereign over a considerable number of villages⁹³. The constitution of many a little people in ancient Greece and Italy may probably have grown up in an equally simple manner. Now in ancient times if a people of this kind migrated with its subject peasantry and with other companions, and settling in a conquered country increased so as to become a nation; it would naturally strengthen itself by forming a union between its auxiliaries and the original houses, adapting its institutions to the example set by earlier states. When one of these sent out a colony, the leader of it modelled the new people after the institutions of the country regarded as its mother; dividing it into the same number of phyles, and these into as many phratries and genea, as were found in the parent city, according as it was a Dorian or Ionian one. He separated, probably in every case, his settlers and the strangers whom he incorporated, classing them according to their descent, and giving each class a phyle

⁷⁹² *φαραίς*: it must be a merely accidental coincidence that the Lombards likewise called an aggregate of families *Fara*.

⁹³ Its *περίοικοι*. This account, applicable beyond a doubt to all the other Albanian and Romaic tribes, which were free until Ali Pacha became master of the Venetian towns on the coast of Epirus, is contained in the beautiful *ἱστορία τοῦ Σούλι* by Major Perreiros; which in the hopeful times of Greece was generally read there, and by which thousands of hearts must have been warmed. It is extracted from him by Fauriel, in the appendix to the first volume of his Greek songs.



of its own: in this phyle he collected the individual families into a determinate number of houses, however different their pedigrees, and without any regard to consanguinity: and the union thus formed was upheld by sacrifices offered up in common down to the remotest posterity. Of the rights enjoyed by these associations almost every recollection must have been lost in later times, except, as was the case at Athens, among a few of the eupatrids.

It is uniformly laid down by all the grammarians who explain the nature of the Attic gennetes, and among the rest by Julius Pollux,—who drew his invaluable accounts of the Athenian constitution, and the alterations it underwent, from the treatise upon it in Aristotle's *Politics*—that, when the tribes were four in number, each was divided into three phratries, and that each phratry comprised thirty houses. The members of a house, or genos, who were called gennetes or ὁμογάλακτες, were no way akin, but bore this name solely in consequence of their union⁷⁹⁴. This was cemented by common religious rites, inherited from their ancestors, who were originally distributed into these houses⁹⁵.

794 οἱ μετέχοντες τοῦ γένους (ἐκαλοῦντο) γεννῆται (thus) καὶ ὁμογάλακτες, γένει μὲν οὐ προσήκοντες, ἐκ δὲ τῆς συνόδου οὕτω προσαγορευόμενοι. Pollux viii. 9. 111.

95 οἱ ἐξ ἀρχῆς εἰς τὰ καλούμενα γένη κατανεμηθέντες. Harpocration v. γεννῆται. An abundance of passages in point are referred to in Alberti's note on Hesychius v. γεννῆται: to these has recently been added a scholium on the Philebus, p. 80. d. and a passage in the Rhetorical Lexicon published in Bekker's Anecd. i. p. 227. 9; which passage Eustathius had before him. From the words ἱερῶν συγγενικῶν γεννῆται in the latter passage, and those of Demosthenes against Eubulides, p. 1319. 26: Ἀπόλλωνος πατρῷου καὶ Διὸς Ἑρκείου γεννηταί, (the accent seems to be very uncertain), I would correct the corrupt passage, ἡ ἱερῶν ὀργίων ἡ ναῦται, in the law of Solon l. 4. D. de collegiis (xlvii. 22.) by reading ἡ ἱερῶν ὀργίων γεννῆται: at least this alteration is easier than one which in other respects would be equally well founded, ἡ ἱερῶν ὀργεῶνες, ἡ γεννῆται.

Now everything in this statement is remarkable and pregnant with consequences: the determinate and invariable number; its peculiar character; the express contradiction to the notion of a common descent⁷⁹⁶; and the fact of the Athenians having originally been distributed into the houses.

For no one, however great his influence or wealth, who had not inherited the ennobling quality of this original citizenship from his ancestors, could be admitted into a phratry, or consequently into a *genos*⁹⁷. With the tribes of Clisthenes neither the phratries nor the houses had the slightest connexion: those tribes were divided into demes; and the *gennetes* of the same house might belong to different demes⁹⁸: foreigners too, who obtained the freedom of the city, were registered in a *phyle* and a *deme*, but not in a phratry or a *genos*⁹⁹: hence Aristophanes says more than once, as a taunting mode of designating new citizens, that they have no phrators, or only barbarous ones⁸⁰⁰.

The number of the phratries being twelve, and that of the houses three hundred and sixty, the grammarians were reminded, and with very good reason, of the months and days in the solar year: the five for the odd days could not have been introduced without occasioning an inequality which was inadmissible.

⁷⁹⁶ Stated the most positively in the Rhetorical Lexicon mentioned in the last note.

⁹⁷ The notion is the same as that of an old Christian was formerly in Spain.

⁹⁸ See the instance of the *Brytids* in the speech against *Neæra*, amongst those of Demosthenes p. 1365.

⁹⁹ See the decree conferring the franchise on the *Platæans*, in the same speech p. 1380.

⁸⁰⁰ *Frogs* 419: *Birds* 765. I formerly censured Barthelemy for assuming, with the most express testimonies before his eyes, that each of the ten *phyles* contained ninety houses (*Anacharsis* c. 26): but he was misled by *Salmasius*, whose dissertation on this subject (in his *Observ. ad jus Attic. et Roman.* c. 4.) is a complete failure.

Every house bore a peculiar name, in form resembling a patronymic; as the Codrids, the Eumolpids, the Butads: which gives rise to an appearance, but a fallacious one, of their having belonged to the same family. These names may perhaps have been transferred from the most distinguished among the associated families to the rest: but it is more probable that they were adopted from the name of some hero, who was their *ἐπώνυμος*. Such a house was that of the Homerids in Chios; their supposed descent from the poet was only an inference drawn from their name, while others pronounced that they were no way related to him⁸⁰¹. What we take for a family in Greek history was probably in many cases only a house of this kind: nor is this system of distribution to be confined to the Ionian tribes alone.

Now as a number of the Greeks believed both in their own descent, and in that of others, from a heroic progenitor; so at Rome the Julii deduced their origin from Iulus, the son of Æneas; the Fabii theirs from a son of Hercules; the Æmilii theirs from a son of Pythagoras. These particular pedigrees will not now find many champions: such as are still unwilling to abandon the opinion, that a house was an aggregate of families which had sprung from the same root, but which for the most part were no longer able to trace their mutual connexion, are more likely to take shelter under the authority of Varro, who, in comparing the affinities of families and of words, assumes that an Æmilius had been the ancestor of all the Æmilii². However since he is here speaking merely for the sake of illustration, he would surely himself have deprecated our construing such an allusion, as if it were

⁸⁰¹ Harpocraton v. *Ὅμηρίδαι*. We may fairly assume that a hero named Homer was revered by the Ionians at the time when Chios received its laws. See the Rhenish Museum i. 257.

² Ut ab Æmilio homines orti Æmilii ac gentiles: de l. l. vii. 2. p. 104. My attention was drawn to this passage by Salmasius Observ. ad Jus Attic. et Rom. p. 122.

a historical assertion. In like manner the Greek mode of expression grew lax, and confounded the political with the natural union⁸⁰³: the notion of a house had already become obsolete: but what stress can be laid on this, after the testimonies adduced, which are derived from Aristotle, and which so studiously oppose themselves to any misunderstanding of this kind?

We have certainly no similar express testimony positively denying the existence of a family affinity among the members of a Roman gens. But if a term which would have been sufficient by itself, is wanting in a definition, and above all in one which, being a specimen, aims at absolute completeness⁴, that term is thereby excluded. Had Cicero believed that the members of a gens⁵ were of a common origin, he would have had no trouble in giving a definition of them: as it is however, he says not a syllable of this; but determines the notion by a succession of attributes, each of which adds to its precision; their bearing a common name; being descended from freemen; without any stain of slavery among their ancestors; and having never incurred any legal disability whether public or private. Hereby even the freed clients, though they bore the gentile name of their patrons, are expressly excluded; while the freeborn foreigners, who had

⁸⁰³ Συγγενεῖς was originally synonymous with γεννηταί: it is so used by Herodotus (v. 66.), by Isæus, and by Dionysius continually, although custom, which even at Athens was variable, had long before his day decided in favour of its meaning *kinsmen*. In the same way it is forgotten that the German word *Vettern* at one time did not mean *kinsmen*.

⁴ Cicero Topic. 6(29). This description is framed according to the circumstances of the age; and its object is to determine who was at that time entitled to such inheritances as fell to the members of a gens: some generations earlier it would have run differently, more simply and more distinctly. But it was not Cicero's design to deduce the notion from its origin.

⁵ It is only in jest that he calls Servius Tullius his *gentilis*, Tusc. Disp. i. 16: but he would never have used this playful expression, if he had believed that gentility implied affinity of blood.

received that name when they acquired the Roman franchise, are recognized by the very exclusion of the clients. The Corneli as a gens had common religious rites: but we cannot on that account assume that any original kindred existed between the Scipios and the Syllas. The Scauri were a genuine patrician family; but their names do not appear in the Fasti before the seventh century. The Ælii, being plebeians, can only be cited here as a house belonging to a municipal town: they too consisted of many families⁸⁰⁶; and even the fabulous genealogy of the Lamii, who deduced their origin from Lamus of Formiæ, is a proof that a particular family might believe its own descent to be different from that of the other members of the house.

Now should any one still contend that no conclusion is to be drawn from the character of the Athenian *genetes* to that of the Roman gentiles, he would be bound to shew, how an institution, which runs through the whole ancient world, came to have a completely different character in Italy and in Greece. *Genus* and *gens* are the same word; the one form is used for the other; *genus* for *gens*, and conversely⁷.

That the members of a Roman gens had common sacred rites is well known: these were sacrifices appointed for stated days and places⁸: the Nautii were under the obligation of offering such to Minerva⁹; the Fabii, it may be conjectured, to Hercules or Sancus¹⁰; the Horatii in

⁸⁰⁶ Fest. Epit. v. gens Ælia.

⁷ *Genus* Fabium and Cilnium, for *gens*, Livy ii. 46. x. 3. 5: *genus* Polyplusium, Plautus Captiv. ii. 2. 27: *Romani generis disertissimus*: *genus* armis ferox, Sallust. Fragm. Hist. i. p. 933. 936: *Deum gens*, Ænea! for *genus*, Æn. x. 228: and Virgil took this expression from a liturgical phrase. That the general notion of a gens was regarded as equivalent to that of a nation, is further shewn by Livy saying *nomen* Fabium (ii. 45), like *nomen* Latinum; and by Dion Cassius calling the Cornelian gens τὸ τῶν Κορνηλίων φύλον, xxxix. 17.

⁸ Like the sacrifice of the Fabii on the Quirinal: Livy v. 46.

⁹ Dionysius vi. 69. Servius on Æn. ii. 166. v. 704.

¹⁰ Because they traced their origin to Hercules: that they were Sabines, seems to follow from their chapel being on the Quirinal;

expiation of the fratricide committed by Horatius⁸¹¹. Such sacrifices became burthensome, as the members of the gens who were liable to them decreased in number; and the decrease was inevitable: hence all sorts of attempts were made to get rid of the burthen, by expedients which the ancient jurists in vain laboured to obviate. The problem was, to shake it off without giving up the gentile relation, so far as any advantage accrued from it; and as the change in the state of feeling in Cicero's age rendered this feasible, he did not include among the terms of his definition, what in Aristotle's time would of itself have been sufficient at Rome as well as at Athens.

And unquestionably the belonging to a Roman gens, if it had its burthens, likewise conferred advantages. The right of succeeding to the property of members who died without kin and intestate, was that which lasted the longest; so long indeed as to engage the attention of the jurists, and even—though assuredly not as anything more than a historical question—that of Gaius, the manuscript of whose work is unfortunately illegible in this part. That no right of this kind is discernible in the writings of the Athenian orators, must be owing to the changes in every social relation, which at Athens hurried on far before those at Rome; the tide there having set in toward democracy much earlier and stronger.

For the same reason we can still less expect that those orators should make mention of the obligation which bound the gennetes to assist their indigent fellows in bearing extraordinary burthens; an obligation which at Rome lay on the members of the house, as well as on the clients¹²: this bond did not outlive the times and

consequently they must have revered Semo Sancus; and Fabius may perhaps be the name which lies hid under the corrupt reading *Fabidius* in Dionysius II. 48.

⁸¹¹ Livy I. 26. *Sacrificia piacularia gentis Horatiæ*.

¹² Dionysius II. 10. (ἔδει τοὺς πελάτας) τῶν ἀναλωμάτων ὡς τοὺς γένει προσήκοντας μετέχειν.

manners of remote antiquity. Even in Roman history we find but a single instance of it; when the clients and gentiles of Camillus pay the fine for him to which he had been sentenced⁸¹³. Subsequently the custom must have grown obsolete: the gentiles were certainly not called upon, except when the means of the clients were inadequate; and when the relations of clientship had extended over the whole of Italy and still further, there was so seldom occasion to call on them, that the right itself was forgotten. Yet even so late as the second Punic war the gentiles wanted to ransom their fellows who were in captivity, and were forbidden to do it by the senate¹⁴. This obligation is an essential characteristic of a gens: and thus the patents of incorporation into the houses of Ditmarsh in their amended form—for after the Reformation the practice of forced compurgation was abolished as contrary to conscience—still contains an engagement to come forward and aid the members of the house to the utmost in raising dikes or dwellings and under every kind of disaster. The reciprocal exercise of this noble relation could not but in the first instance excite a feeling which led them to regard each other like kindred, and by degrees a belief that they were so. This assuredly was not a solitary local custom, but common to the whole German nation: only where the German tribes dwelt as conquerors it became extinct many centuries earlier; and was retained nowhere but in my remote native province

⁸¹³ Exc. Dionysii Mai. xiii. 5. That συγγενεῖς in this passage means the gentiles, is certain from the way in which Dionysius uses the terms, συγγένικα ἱέρα and ὀνόματα, and συγγενικαὶ ἱερωσύναι. See Sylburg's Greek index. The συγγενεῖς of Isagoras, who offer sacrifice to the Carian Jupiter (Herodot. v. 66.), are his gennetes. These gentiles Livy probably found termed in some chronicle the *tribules* of Camillus: that is, the members of the same patrician tribe.

¹⁴ Appian Annibal. 28. Οὐκ ἐπέτρεψεν ἡ βουλὴ τοῖς συγγένεσι λύσασθαι τοὺς αἰχμαλωτούς. He drew his account of this war from Fabius.

of Ditmarsh, where no lord ruled and no slave served: and if the chronicle which has preserved the patent had been lost, no trace of it would have remained.

A striking coincidence in character between the corporate houses among the Greeks and in modern times, is presented by the fact that compurgators used to appear at Cuma in aid of members of their house. Aristotle only mentions their coming forward on the side of the prosecutor⁸¹⁵; probably because he deemed this a still more barbarous custom, than the use of the same means in behalf of the defendant.

The analogous example of the Athenian houses leads us to suppose, that at Rome likewise the number of houses contained in the tribes was absolutely fixed. Dionysius says, Romulus divided the curies into decads¹⁶: what other subdivision can we conceive this to be, except that into houses? its nature being such, that each cury contained ten houses, and the three tribes three hundred. Owing to this the patrician tribes might also be called centuries, as they are in Livy; they comprised each a hundred houses. Here we find the pervading numerical basis of the Roman divisions, three multiplied into ten; and three hundred stands in the same relation to the days of the cyclical year¹⁷, as the number of the Athenian houses to those of the solar year. Moreover it corresponds with the three hundred fathers in the senate: and the reason why the senators of the colonies and provincial towns were called decurions, was that this was the name given to the captain and burgess of each house. Before Clisthenes enacted that fifty counsellors should be sent by each tribe, every Athenian *genos* in the same way must doubtless have had its representative.

⁸¹⁵ Politic. ii. 8.

¹⁶ ii. 7. διήρηντο δὲ καὶ εἰς δεκάδας αἱ φράτραι ὑπ' αὐτοῦ, καὶ ἡγέμων ἐκάστην ἐκόσμει δεκάδα, δεκονρίων προσαγορευόμενος.

¹⁷ 300 instead of 304, as 360 instead of 365. See above p. 271.

Such numerical proportions are an irrefragable proof that the Roman houses were not more ancient than the constitution; but corporations formed by a legislator in harmony with the rest of its scheme. A similar conclusion must be drawn with regard to the German houses, which in the free cities and rural cantons appear likewise in regular round numbers. In Ditmarsh beyond doubt there were formerly thirty houses⁸¹⁸: at Cologne there were three classes, each containing fifteen; the first, which originally was in exclusive possession of the government, continued to have a superiority of rank: at Florence there were seventy-two; and it cannot be doubted that these were distributed in equal numbers among the three classes of the lords, the knights, and the freemen, which formed the tribes of the sovereign people in the Italian cities: the classes at Cologne must have been of a similar nature. I have no hesitation in believing the Italian traditions, that the freedom of their cities was founded by the emperor Otho: and I conceive that he did it by collecting the Lombards, the Franks, the other Germans, and the Italians also, into houses, and by making their collective body a free corporation. Even the word *schiazza*, the appropriate term for this relation, is a mark of a low-German emperor: it is the same word with *schlacht*, the low-German form of the high-German *geschlecht*: the Lombards instead of it used *fara*. No more effectual method could have been devised for quelling the power of the seditious Lombard grandees; and as we find that it was quelled, there must have been an adequate cause to contend against it. The means used by Doria, whose wise legislation rescued Genoa from the feuds between the Fregosi and the Adorni, were, to break up the houses then existing, and to blend the families contained

⁸¹⁸ This was ingeniously proved by Heinzelmann in a short treatise on the Ditmarsh *Nemede* which appeared in 1792, the first and hitherto the last inquiry into the ancient constitution and laws of my native province.

in them together in the eight and twenty newly formed *Alberghi*, which retained the substance and name of the old houses: if this plan was devised without any precedent in the earlier annals of the city, it is one of the most brilliant inventions ever applied to the practical regulation of a free state. The establishment of houses in round numbers in the German free communities can scarcely have taken place at any other time than when the subdivisions of the cantons were settled, and when the cities were founded. I am far however from referring the first origin of the associations to that period. All that was then done, was, that an ancient and wholly immemorial institution,—which must have been common to all the German tribes, and which before the adoption of Christianity must probably have had a further essential feature of resemblance to the form of society among the Greeks and Romans,—was adapted to the actually existing state of circumstances, with which the old worn-out order of things was no longer in tune.

No institution in the ancient world was more general than this of the houses. Every body of citizens was divided in this manner; the Gephyræans and Salaminians as well as the Athenians, the Tusculans as well as the Romans: and in each case, when the citizens of the dependent city were incorporated into the commonalty of the ruling city, still the houses which had subsisted among them, were not dissolved. In the constitutions of the municipal towns, which in earlier times did not undergo any change on their receiving the Roman franchise, the houses, so long as they were of any importance in themselves, must also have retained their political character: and when this had been done away with by time and circumstances, they undoubtedly continued in the undiminished possession of their civil and religious privileges. But they were not acknowledged by the Roman state, their greater country, as bearing any political relation to her: no houses but those which composed the three ancient tribes,

were essential parts of the state: and this enabled the patricians to boast that they alone had a house⁸¹⁹; while nevertheless there were members of plebeian houses at Rome by thousands, who possessed gentile privileges in the municipal towns. On this superiority did the patrician Claudii ground their claim to the exclusive exercise of the gentile privilege of inheritance²⁰: it matters not that the claim seems to have been unreasonable in this particular instance, where the Marcelli were asserting a right which had no connexion with the political privileges of the ancient houses.

The division into houses was so essential to the patrician order, that the appropriate ancient term to designate that order was a circumlocution, *the patrician gentes*²¹: but the instance just mentioned also shews beyond

⁸¹⁹ Vos solos gentem habere. Livy x. 8.

²⁰ Cicero de Orat. i. 39. The claim of the patrician Claudii is at variance with the definition in the Topics (c. 6), which excludes the posterity of freedmen from the character of gentiles: probably the decision was against the Claudii, and this might be the ground on which Cicero denied the title of gentiles to the descendants of freedmen. I conceive in so doing he must have been much mistaken. We know from Cicero himself (de leg. ii. 22.) that no bodies or ashes were allowed to be placed in the common sepulchre, unless they belonged to such as shared in the gens and its sacred rites: and several freedmen have been admitted into the sepulchre of the Scipios.

²¹ Plebes dicitur (according to Capito) in qua gentes civium patriciae non insunt. Gellius x. 20. Before the Licinian law, jus non erat nisi ex patriciis gentibus fieri consules. xvii. 21. Instead of a patrician, Livy says vir patriciae gentis, of L. Tarquinius iii. 27: of P. Sestius iii. 33: of M. Manlius vi. 11. Even among the Italian Greeks in early times there is so great a probability that the terms gentile and patrician were used as equivalent, that we are certainly not justified in altering the text in Polyænus i. 29. 2; where we read that Hiero in his war against the Italiots, ὅποτε λάβοι τινὰς αἰχμαλώτους τῶν συγγενῶν ἢ πλουσίων, conciliated them by his kindness. What scribe would have substituted this word for εὐγενῶν, as has been conjectured? The πλούσιοι are the rich members of the commonalty, who did not belong to a house, but nevertheless were persons of influence in their respective cities.

the reach of a doubt, that such a gens did not consist of patricians alone. The Claudian contained the Marcelli; who were plebeians, equal to the Appii in the splendour of the honours they attained to, and incomparably more useful to the commonwealth: such plebeian families must evidently have arisen from marriages of disparagement, contracted before there was any right of intermarriage between the orders⁸²². But the Claudian house had also a very large number of insignificant persons who bore its name; such as the M. Claudius, who disputed the freedom of Virginia: nay, according to an opinion of earlier times, as the very case in Cicero proves, it contained the freedmen and their descendants. Thus among the Gaels the clan of the Campbells was formed by the nobles and their vassals: if we apply the Roman phrase to them, the former *had* the clan, the latter only belonged to it.

The proposition that the patrons and clients made up the whole of the original Roman people, is one of those the validity of which is not to be questioned except when it is carried too far. False as it is, and destructive to historical truth, if we do not acknowledge that the plebeians were free, and if we overlook the nature of the commonalty; no less true is it, if applied to the period before the commonalty was formed, when all the Romans were comprised in the original tribes by means of the houses they belonged to. The *Patronus* and *Matrona* were the father and mother of the family, in relation to their children and domestics, and to their dependents, the clients⁸²³.

How the clientship arose, does not admit of a historical exposition, any more than the origin of Rome. Dionysius

⁸²² I here repeat the acknowledgement, a cherished memento of the delightful days I once passed with Savigny, that I am indebted for this observation to him.

⁸²³ The German word *hæriger*, a dependent, from *hæren*, to hear, answers exactly to *cliens*, which comes from *cluere*.

compares this relation with that of the Thessalian bondmen, the Penests: not however that he himself conceived them both alike to have originated in conquest: his notion doubtless was, that Romulus separated the noble and rich out of the thousands of his new citizens, to make them patricians, and consigned the common people to their protection. According to his conception of the origin of Rome, he could not retain his hold of that comparison, which in substance is certainly founded in truth: the same relation which in Thessaly was rude and revolting, might at Rome be more refined, in consequence of different manners and a better spirit; the condition and advantages of the ward who had placed himself of his own accord under the protection of a patron, being transferred to the serf. A wardship of this kind existed among the Greeks in the case of a sojourner, who was bound to choose a citizen for his guardian⁸²⁴, in order that he might not be an outlaw with regard to the commonest civil rights: yet the condition of the Helots and Penests never changed its hateful character. The Romans, and the citizens of such towns as stood in a federal relation to Rome, were mutually entitled to exchange their home for the other city, perhaps under the obligation, at all events with the right, of attaching themselves to a patron: this is the meaning of that *jus applicationis*, which we find connected with the *jus evulandi* *. Many who availed themselves of this right, as appears from the instance of accused Romans, were criminals, but such as the state had not been able to take into custody; and this practice being viewed with an evil eye by the plebeians, in their contempt for the clients, and their hatred of the order whose power the clients upheld, hence came the legend about the asylum.

⁸²⁴ His προστάτης. It answers to the German *Mundherr*, the *Mundiburdus*, as he was called in the Latin of the middle ages.

* Compare Cicero de Orat. i. 39. (177.) with pro Cæcina, 33. (98.) 34. (100.)

In Greece this connexion rested only on reciprocal interest; and might be given up and altered at will: it ceased as soon as the alien obtained the franchise of the city, or even the privileges of isotely: at Rome it continued in the case of the *æerarian*; nay, beyond doubt, it was hereditary like vassalage. That it commonly descended from one generation to another, Dionysius is aware; only he looks on this as a voluntary prolongation. Most probably he is mistaken: for with regard to towns and communities the hereditary continuance of the clientship is certain; and whatever may have been the doctrine in Cicero's days as to the relation in which the descendants of freedmen stood to the house of their original patron, still, even if the claim of the patrician *Claudii* in the abovementioned case was unreasonable, the admission of freedmen into the sepulchre of a house is a proof, as I have already hinted, that the opinion which ascribed to them the character of gentiles, has been rejected erroneously. If this be so, the duration of this connexion being unlimited, we may infer the same as to the clientship in general. And in truth how should the clients have obtained the name of the gens, as was also the case with those who were received into a house without being natives of Italy, unless they had been accounted members of it? And why should they have been held unworthy of the honour, when the slave, who was mostly an Italian prisoner of war, stood on familiar terms with his master, as appears by the *Saturnalia*, and ate at his table?

Those clients, who neither gained their livelihood by trade nor had already acquired any property of their own, received grants from their patrons of building-ground on their estates, together with two jugers of arable land; not as property, but as a precarious tenement, which the owner might resume if he felt himself injured. But all, however different in rank and consequence, were entitled to paternal protection from their patron: he was

bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical. On the other hand the clients were to be heartily dutiful and obedient to their patron, to promote his honour, to pay his mulcts and fines, to aid him jointly with the members of his house in bearing burthens for the commonwealth and defraying the charges of public offices, to contribute toward portioning his daughters, and to ransom him or any of his family who might fall into the hands of an enemy.

That great writer, Blackstone, who recognized the customs and laws of ancient times even in the games of children, makes an allusion to these burthens of the Roman clientship, when describing the duties of vassals in the middle ages⁸²⁵.

If a client died without heirs, his patron inherited²⁶: and this law extended to the case of freedmen; the power of the patron over whom must certainly have been founded originally on the general patronal rights. Now if P. Mænius was able to put his freedman to death for forgetting the respect due to his house²⁷, and this was deemed to be justifiable as well as wholesome severity; we may infer that the patron could not only sentence his client to lighter penalties when he himself was aggrieved, but also sat in judgement upon him when accused by a neighbour.

There was a mutual bond between the patron and the client, that neither should bring an accusation or bear witness against the other, or give sentence in court against him, or in favour of his enemies: this looks like a mitigated form of the old law of compurgation. The duties

⁸²⁵ Commentaries ii. 5. p. 64. The feudal aids admitted of no exemption in three cases: for ransoming the lord out of captivity; for knighting his eldest son; and for portioning his eldest daughter.

²⁶ On this right, the existence of which was first perceived by Connanus, see Reiz in his Preface to Nieupoort's *Ritus Roman.* p. xii.

²⁷ Valerius Maximus vi. 1. 4.

of the patron toward the client were more sacred than those toward his own kin⁸²⁸. Whoever trespassed against his clients, was guilty of treason, and devoted to the infernal gods; that is to say, outlawed, so that any might slay him with impunity. It is probable that the pontiff, as the vicegerent of heaven, to which the cry of the injured party was raised, devoted the head of the offender. To bring a charge before a civil tribunal was impossible: its interference would have perverted and destroyed the whole relation; which could not exist at all, or must admit of being abused. Still this abuse must have been threatened with fearful punishment: for to imagine that the patricians, who in their dealings with the plebeians neither respected equity nor compacts ratified by oaths, should have let obligations which were merely conscientious keep them such kind fathers toward their clients, as many are not even to the children of their body, would be a silly dream of a golden age, such as never existed. They were no better than those knights of the middle ages, whose virtues have been extolled by ignorance and falsehood; they who are charged by a respectable contemporary with robbing the soccager of his substance, as though he were a bondman, because they could do it with impunity, since there was no judge between them and the poor man except God. As if they ought not also to have treated the bondman with kindness?

Among the privileges which the Ramnes are said to have claimed to the exclusion of the other patricians, according to a narrative which assuredly represents their relation to the Luceres, one is that of receiving strangers as clients²⁹. Still less then would they allow this right to the plebeians: yet when distinguished men rose up in the latter order, who could afford protection and redress,

⁸²⁸ Gellius v. 13. xx. 1. The classical passage on the patronship is the well known one in Dionysius ii. 9, 10.

²⁹ Dionysius ii. 62: *θεραπεύεσθαι πρὸς τῶν ἐπηλύδων*.

and grant plots of ground to be held at will, clients attached themselves to these as well as to the patricians. Until the plebeians obtained a share in the consulship and in the usufruct of the domains, free foreigners, with few exceptions, must needs have applied to the first order; in which however there may have been many with scarcely a client: and so long *patron* and *patrician* were coextensive terms.

Perhaps they were also synonymous: for the notion that the *patres* were so called from their paternal care in assigning plots of arable land to the poor, as it were to their own children⁸³⁰, is quite in accord with the spirit of ancient times; although perhaps even this explanation is still too artificial. For the name may possibly have been only a simple title of honour used in addressing the ancient citizens, whether in the senate or the assembly of the curies³¹. It is by no means confined to the senators; on the contrary the *patres* are mentioned even by Livy along with the senate: and wherever he speaks of the *younger patres*³², he conceives them to stand in opposition

830 *Patres senatores ideo appellati sunt, quia agrorum partes attribuebant tenuioribus, perinde ac liberis propriis.* Fest. Epit. completed by the help of the fragment.

31 In the solemn lines, *Dum domus Æneæ Capitoli immobile saxum Accolet, imperiumque pater Romanus habebit*, the words *pater Romanus* designate a Roman citizen, in the language of very early times. Hence also *pater familias*, which was used at times to mean nothing more than a citizen.

32 The *seniores* and *juniores patrum* are often placed in opposition by Livy, from the beginning of the plebeian disturbances until after the decemvirate; the former being represented as inclined to conciliatory measures, the latter as more obstinate and violent. Several times, as well during the first disturbances, as in the affair of Cæso Quinctius, we find a like statement on the same occasions in Dionysius; whence it is clear that they both met with it in the Annals. Both of them supposed these *patres* to be senators, differing in temper according to their ages: but they must certainly have been mistaken. The dry old Annals can never have indulged in such delineations of character: but they may have related from traditions, that the general assembly of the curies

to the senate. By the usage of later times indeed the word was gradually restricted more and more to the senators; and even those writers who do not entirely exclude the wider meaning, and who themselves fluctuate in their practice, are still always inclined to interpret their authorities in the narrower.

Julius Cæsar and Augustus raised certain families to the patriciate; because so many of the houses had become extinct, or had been merged among the lower orders from their poverty, or had voluntarily passed over to the commonalty, that there were no longer persons enough to fill the priestly offices according to ancient usage. Now the fifty families which were then still remaining⁸³³, were certainly an old nobility in every respect; and since those rulers mixed them up with the most illustrious families among the plebeian nobless, both Dionysius and Livy were hereby prepared to consider the patriciate as a nobility from the first. Two centuries earlier Cincius, whose weight as an authority I have already noticed, had come to a totally different conclusion; namely, that anciently

had often shewn itself more headstrong than the senate, which had the charge of the daily administration, and could not, like the former, reject a measure without incurring any responsibility. In the senate there were only the seniors, men who had passed the age of military service: all the juniors sat in the curies: so indeed did those seniors who had no seats in the senate; but their number was small, and the name of the assembly was not determined by them. The following instance is the most decisive: L. Furius and C. Manlius, when accused, *circum-eunt sordidati non plebem magis quam juniores patrum*: II. 54. This can never mean a mere part of the senate: it is inconceivable that the accused should have neglected those very senators whose age and authority were the greatest. Compare also II. 28. III. 14. 15. 65. The meaning Livy assigned to the phrase is the less dubious, since in II. 28 he even talks of *minimus quisque natu patrum*. However the most probable supposition is, that both the historians, being misled by their immediate predecessors, misunderstood who in all these passages were the *minores*, spoken of in the ancient books: for that word was certainly also used to signify young men: as *maiores audire, minori dicere*. Compare note 1143.

⁸³³ Dionysius I. 85.

all freeborn citizens were called patricians⁸³⁴. This is to be referred to the time anterior to the rise of the plebs: even then however the number of freeborn men among the clients must have been considerable. What is strictly accurate in the comparison, seems to be—and perhaps it was so exprest by Cincius, whose meaning we can merely collect from the abridgement of an abridgement—that the patricians formerly stood in the same relation to the rest of the Romans, their clients, as the tribes of the *ingenui* did in his days to those of the *libertini*. They were the true citizens: just as in Germany, even during the thirteenth century, a member of a house and a burgher were equivalent terms: and so we need not have any scruples excited in us by the want of a class to occupy a middle station between them and their dependents. Nor are we to be startled at there being three hundred houses, which would be an incredible number for the nobility of a small state: nor again is it any objection to this number, that the patrician gentile names which we meet with, that is, in the *Fasti*, are very much fewer. For even supposing, what must have been far from the truth, that, when the Tarquins were banished, the complement of the houses was full, the consulate was unquestionably open but to a small portion of them, although every one was eligible to it. In all aristocracies a few families alone are illustrious and powerful: an incomparably greater number continues needy and obscure, or becomes so: such was the case for instance at Venice. The latter die off unobserved, or they lose themselves among the common people, like the nobility in Ditmarsh and Norway: some of the Roman families too renounced their patriciate of their own accord, and went over to the plebs⁸³⁵: in other cases

⁸³⁴ Fest. Epit. v. Patricios. It does not follow from this passage that Cincius mistook the nature of the termination, and fancied he saw *ciere* in it.

⁸³⁵ This was called the *transitio ad plebem*: with regard to which it is true that in later times there were also a number of fables invented

the same effect followed from marriages of disparagement, before the right of intermarriage between the two orders was established by the Canuleian law. Among the patrician houses of this kind, which never occur in the Fasti, are the gens Racilia and Tarquitia⁸³⁶: so are the Vitellii: and since the names of the older plebeian tribes resemble the gentile names in form, and in several instances are common to them with patrician houses, it is also exceedingly probable that there was a gens Camilia, Cluentia, Galeria, Lemonia, Pupinia, Voltinia³⁷.

If *patres*, and its derivative *patricii*, were titles of honour for individuals, the name of the whole class, as distinguished from the rest of the nation, appears to have been *Celeres*. That this was the name of the knights, is recorded: as it is also—which indeed is clear from the very nature of all the constitutions of antiquity—that the tribes of Romulus had tribunes³⁸: and since the tribunate of the Celeres is said to have been a magistracy and a priestly office, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had any such guard, it must assuredly have been formed out of the numerous clients residing on their demesnes. The tribunes of all the three tribes were certainly at once leaders in the field and magistrates and priests in the city; just as a curion, in his character of centurion, which moreover was his name in the army, was captain over a hundred

by plebeian vanity: and accordingly this must certainly be the true reading instead of *a plebe transitiones* in Cicero Brut. 16. The instance of L. Minucius is given by Livy iv. 16, and Pliny xviii. 4.

836 The great Cincinnatus was married to a Racilia before the Canuleian law: L. Tarquinius was master of the horse during his dictatorship.

37 The Vestal virgins in ancient times were patricians no less certainly than the priests. But the genuineness of the names ascribed to those who are mentioned, such as Verenia, Canuleia, Opimia, Orbinia, is too slippery ground to build on.

38 For the former point see Pliny xxxiii. 9: for the latter Dionysius ii. 7: Pomponius 1. 2. § 20. D. 1. 2. de orig. jur.

in the Romulian legion⁸³⁹: but among the three the tribune of the principal tribe must have enjoyed peculiar distinctions; and hence we only find mention of one⁴⁰.

Cicero speaks of it as a symptom of the anarchy and lawlessness prevalent in the Greek states of his time, that measures were carried by masses; by the aggregate number of heads, and not by the votes of the several orders: the subjects however then open to their deliberation were so trifling, that it was nearly indifferent in what manner they were decided upon. In earlier times it was a principle in every legislation, whether the form of government was aristocratical or democratical, that the weight of any individual's vote and his liabilities, especially to military service, should be proportioned to the number not of the whole community, but of the corporation he belonged to: so that every precaution was taken to prevent the mob from turning the scale; and the more numerous a man's corporation was in comparison with the rest, the lighter were his burthens and the less important his vote. The same principle prevailed in the constitutions of the middle ages founded on houses and guilds. Now in the earliest times of Rome the question was, whether the tribes or the curies were to be the units, in taking the votes of the whole body. But if the tribes, when only two of them as yet possessed the right of voting, had differed in opinion, they would have stood in direct opposition to each other in a manner dangerous to the public peace: and after the third order was added to them, it would have felt itself placed on an inferior footing, if both the higher orders gave their votes against it. When the question was to do away with antiquated but still burthensome privileges, the third class might be unanimous in its determination, and four tenths in each of the first two tribes might agree with it: all would be in

⁸³⁹ Paternus in Lydus de Magistr. i. 9.

⁴⁰ Dionysius however is an exception to this; in ii. 64 he speaks of the *tribuni Celerum*, like the other priests, as a college.

vain. This was obviated by taking the votes according to curies; and the remedy was complete, when these were no longer called up in any stated order, so that the major houses should take precedence of the Luceres, but in one settled by lot: this however was probably a later innovation.

Now as there is no doubt that the families sprung from marriages of disparagement, and the clients, shared in the sacred rites of the curies⁸⁴¹; one may be apt to think it probable that both those classes likewise took part with the patricians in their comitia. The notion that foreigners were admitted to the franchise of the curies, in the same way as they were afterward to that of the centuries, does not now need to be refuted.

When we consider the pervading principle of the institution, we find it very difficult to conceive, that the votes taken in the curies should have been those of the individual members, and not those of the houses which were their component units: and that the latter was actually the way of voting, seems to be attested by an express statement of an ancient author⁴². Were this so, it may have been nearly indifferent to the patricians as a body, so long as their relation to the other citizens continued to be substantially the same, whether the inferior members of their houses had votes or not: for the clients were not

841 If we suppose that among the number of the extinct patrician houses there was a gens Scribonia, of which only a plebeian family remained, it becomes less surprising that, when the plebeian nobility had far outstept the patrician, and a great many plebeians, from causes which will be explained further on, had been admitted to a share in the religious worship of the curies, a Scribonius was made *curio maximus*.

42 Lælius Felix in Gellius xv. 27. Cum ex *generibus hominum* suffragium feratur, *curiata comitia* esse. Here too *genus* is equivalent to *gens*: see note 807. It matters not as to the main point that *hominum* must certainly be a wrong word; the mistake too is one for which Gellius can hardly be made answerable: his text is still in want of an able critic.

at liberty to vote against their patrons; and so the only effect would have been, that in every gens men of influence would have exerted a preponderance proportionate to the number of their clients, over those who could confer no protection. As to families springing from marriages of disparagement, they rise up only by slow degrees.

But although it would not have been irreconcilable with the interests of the order, to admit such votes under such circumstances; still it would have been diametrically opposite to the spirit of an aristocracy; which, as was the case at Venice, requires an equality within its own body between the poorest and the richest noble, an absolute inequality between every noble and every plebeian: to such an aristocracy it must have been worse than a stumbling-block, had the vote of L. Tarquitiuſ told for no more than that of a client to one of his rich gentiles. And the above-mentioned supposition becomes altogether inadmissible, when we consider the changes that time would make in the state of things. The example of all ages and places teaches us, that, so long as purity of lineage was insisted upon, the patrician families in the houses must have been rapidly decreasing. If the newly risen plebeian families and the clients had voted in a house, they would have retained possession of its vote, even though not a single patrician were any longer to be found in it: and among the three hundred many must have been reduced to this state in the course of a few generations⁸⁴³: so that the patricians would have been unable to maintain the preponderance even in their own comitia. Still more unfavorable to them would have been the result of voting in the curies by poll.

The houses in their political character being essentially patrician, the definition of Lælius, just referred to,

⁸⁴³ That this would unavoidably be the case, will be clear to every one acquainted with the history of the provincial nobility, wherever proofs of pedigree are required.

though it may not be an absolute proof that none but patricians appeared in the comitia of the curies, certainly establishes the correctness of the opinion, that they formed the main part of those assemblies. Moreover the further account of the same Lælius, founded on Labeo, stated, that the comitia of the curies were convoked by a lictor, those of the centuries by a hornblower⁸⁴⁴: and Dionysius says that the patricians were summoned by a messenger by name, the people by the blowing of a horn⁴⁵. Thus we find that Labeo and Dionysius agree in unequivocally designating the curies as the assembly of the patricians. The same identity appears, on comparing the account of Livy, that Tarquinius Priscus assigned places for seats round the circus to the *patres* and the knights, with that of Dionysius, who says he assigned them to the curies⁴⁶.

In order however to give a complete and perfectly decisive proof of this important proposition, I will here anticipate a topic, the proper place for which lies somewhat further on, where I shall be obliged to recur to it.

The most important piece of information on the Roman constitution contained in the newly discovered fragments of Cicero's books on the Republic, is, that, after the kings had been elected by the curies, they had still to

844 In Gellius xv. 27. *Curiata comitia per lictorem curiatum calari, id est convocari; centuriata per cornicinem*. Thus far the latter as well as the former were *calata*, convoked: and as the patrician absolved himself from his gens by the *detestatio sacrorum* and disposed of his property by will in the presence of the *populus*, so the plebeian did the same before the *exercitus*. But the account of the matter in Gellius is confused.

45 Dionysius ii. 8. τοὺς μὲν πατρικίους ὅποτε δόξειε τοῖς βασιλεῦσι συγκαλεῖν, οἱ κήρυκες ἐξ ὀνόματος τε καὶ πατρόθεν ἀνηγόρευον· τοὺς δὲ δημοτικούς ὑπηρέται τινές, ἀθρόοι κέρασι βοείοις ἐμβυκανῶντες, ἐπὶ τὰς ἐκκλησίας συνῆγον. The mention of the kings here only means that the practice belonged to times long past; and the comitia of the curies became extinct soon after the middle of the fifth century.

46 See below note 893.

apply to the same curies for the *imperium*, the refusal of which would have made their election void⁸⁴⁷. Cicero had the means of knowing this from the books of the pontiffs and augurs; and extraordinary as it may sound, that the same assembly had to decide twice, and could annul its own election by the second decision, he asserts most distinctly that such was the case. Nor was the assertion superfluous even in his time; for Dionysius and Livy both of them assume that the assemblies must have been two different ones, as was the case after the time of Servius Tullius. The electing assembly is taken by both to be the people; the confirmative one is called by the former the patricians, by the latter the *patres*⁴⁸: by which term he probably meant the senate; which was necessarily a party to every decree of the curies; though possibly in this place also he had the patricians in view, at least indistinctly, as he had elsewhere more frequently than such a sense is assigned to him. At all events every reader will see, without need of many words to prove it, that what Cicero calls the *lex curiata de imperio*, is precisely the same thing as the *auctoritas patrum* in Livy, and the confirmation by the patricians in Dionysius.

847 De Re p. II. 13. (Numa) quamquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio curiatam legem tulit. 17. Tullum Hostilium populus regem comitiis curiatis creavit, isque de imperio suo—populum consuluit curiatim. 18. Rex a populo est Ancus Martius constitutus; idemque de imperio suo legem curiatam tulit. 20. Rex est creatus L. Tarquinius—isque ut de suo imperio legem tulit, &c. Also of Ser. Tullius; 21. populum de se ipso consuluit, legem de imperio suo curiatam tulit.

48 Dionysius II. 60. τῶν πατρικίων ἐπικυρωσάντων τὰ δόξαντα τῷ πλήθει. Livy I. 17. decreverunt, ut, cum populus regem jussisset, id sic ratum esset, si patres auctores fierent. In this form Numa's election is conducted. 22. Tullum—regem populus jussit, patres auctores facti. 32 Ancum Martium regem populus creavit, patres fuerunt auctores. 41. Servius injussu populi, voluntate patrum regnavit.

And thus it is now further clear that the *auctoritas patrum*, which, until the Mænian law, was indispensable to the validity of elections, was nothing else than the *lex curiata de imperio*, which even the dictators were forced to obtain. But those *patres* were the patricians; they are called so most distinctly⁸⁴⁹: history cannot supply a more conclusive proof, than this for the identity between the comitia of the curies and the assembly of the patricians.

⁸⁴⁹ Livy vi. 42, when L. Sextius was elected consul: ne is quidem finis certaminum fuit. Quia *patricii* se *auctores* futuros negabant, prope secessionem plebis—res venit, &c. Sallust in the speech of C. Licinius Macer, p. 972. Virilia illa quo—libera ab *auctoribus patriciis* suffragia majores vestri paravere. Here Sallust must certainly have been making use of a speech actually composed by the learned antiquary Macer. Dionysius writes with regard to a transaction substantially the same, in one place, vi. 90, τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψῆφον ἐπενέγκαντας, in another, x. 4, αἱ φράτραι τὴν ψῆφον ἐπιφέρουσιν—to which I shall advert again when I come to the institution of the tribunes of the people: see note 1363. Here we catch a glimpse of some Roman writer: I would wager, of the same Macer; for Dionysius himself had no clew in this labyrinth. Of the patricians too in the strictest sense is it said in the Declamation pro Domo 14. (38.), that, should they become extinct, the republic would be in want of Flamens, Salii, and so on, and of the *auctores centuriatorum et curiatorum comitiorum*. Here the half-informed rhetorician betrays himself: he had probably read the passages just quoted from Cicero's books on the Republic (note 847): and he did not reflect that in Cicero's days there were no other curiate comitia than the mere formal assemblies for confirming elections.

THE SENATE, THE INTERREXES, AND THE KINGS.

THE contemporaries of Camillus, though they had a firmly rooted belief in the legends about Romulus, would have laughed at any one who, as the most intelligent men did three centuries after, should have represented the institution of the senate as a measure of policy issuing from the free-will of the founder of the city. In all the cities belonging to civilized nations on the coasts of the Mediterranean, a senate was a no less essential and indispensable part of the state than a popular assembly: it was a select body of the elder citizens: such a council, says Aristotle, there always is, whether the constitution be aristocratical or democratical: even in oligarchies, be the number of sharers in the sovereignty ever so small, certain counsellors are appointed for preparing public measures⁸⁵⁰.

That the Roman senate, like the Athenian one established by Clisthenes, corresponded to the tribes, has already been explained: but we may go further, and affirm without hesitation, that originally, when the number of houses was complete, they were represented immediately by the senate, the number of which was proportionate to theirs. The three hundred senators answered to the three hundred houses, which was assumed above on good grounds to be the number of them: each gens sent its decurion,

⁸⁵⁰ πρόβουλοι, *procuratori*. Aristotle Polit. iv. 15.

who was its alderman, and the president in its by-meetings, to represent it in the senate. The Spartan γέροντες were eight and twenty, a singular number; but since the two kings along with the rest made up thirty, it may be explained according to the same hypothesis. There were thirty houses represented⁸⁵¹, the Agiads and Eurypontids by the kings: these names, when the descent of the two houses from twins had become an article of popular belief, were derived from certain alleged descendants of those mythical brothers⁵².

That the senate should be appointed by the kings at their discretion, can never have been the original institution. Even Dionysius supposes that there was an election: his notion of it however is quite untenable, and the deputies must have been chosen at least originally by the houses, and not by the curies.

⁸⁵¹ These thirty senators corresponded to the number of days in a month. In the Roman number of three hundred there is a reference to the days in the ten months of the cyclical year: in that of the Attic houses to those in the solar year of twelve months. See note 817. The numbers in the political institutions of antiquity were never arbitrary; and when we find an unusual one, we are naturally curious to inquire its meaning. From a like reference I would explain the singular number of the council of One Hundred and Four at Carthage (Aristotle Polit. ii. 11.). This is twice the number of the weeks in a year: such a distribution of time, wholly independent of the celebration of the sabbath, would seem to have been common to the Phenicians with their neighbours, and to have been the basis of a political division, as the months were among the Greeks and Romans. In no nation is such a scheme more probable, than in that which raised altars to the Year and the Month, and paid divine honours to them, as to other abstractions: this is related of the inhabitants of Gades by Eustathius, on Dionys. Perieg. v. 453, from Ælian.

⁵² The two royal houses were not quite equal—οἰκίης ἐὼν τῆς ὑποδεεστέρης, says Herodotus (vi. 51) of Demaratus—and perhaps the tribes of houses never were so at the first. The three Argive royal houses in mythical story—that of Anaxagoras, of Bias, and of Amythaon—were invented in order that in like manner they might stand for the three tribes.

The senate was divided into decuries: each of these corresponded to a cury... When the state was without a king, ten senators presided over it during the interreign: the mode of proceeding on these occasions is another of the points on which the accounts given by our historians are contradictory: and no wonder; for no such magistrate had then existed within the last three centuries⁸⁵³. According to Livy, when there were but a hundred senators, one was nominated in each decury. These together formed a board of ten, each of whom enjoyed the regal power and its badges as interrex for five days; if no king was created at the expiration of fifty days, the rotation began anew. Dionysius on the other hand states, that the two hundred *patres*, of whom the senate was composed at the death of Romulus, were divided into twenty decuries, and that one of these was chosen by lot as the interregal board; and, when their time had expired, another. Plutarch finally, taking the number of senators at a hundred and fifty, says nothing of any decuries, but relates that the royal power went round from the first to the last, so as not to remain more than half a day and half a night with each; and then, if the people still continued without a king, the rotation commenced anew⁵⁴. This last account falls with the hollow basis on which it rests, the number he assigns to the senate: and Dionysius was thinking of the Attic prytanies, and assumed that all the senators must have stood on an equality. In Livy's statement there is a reference to the superiority of the Ramnes; and we see the *decem primi*, the ten, each of whom was the first in his decury⁵⁵: we need not hesitate to decide in its favour.

⁸⁵³ There was to be sure an interreign in the year 701: but all proceedings at that time were arbitrary and lawless.

⁵⁴ Livy i. 17. Dionysius ii. 57. Plutarch Numa, c. 2.

⁵⁵ The expression of Dionysius, τοῖς λαχούσι δέκα πρώτοις ἀπέδωκαν ἄρχειν, shews that he found the phrase *decem primi* in the

The senate—and, so long as the right of election was exercised by one tribe alone, the decuries of that tribe—agreed among themselves on the person to be proposed by the interrex to the curies; whose power was confined to accepting or rejecting him. It was a *rogation*, as in the case of a law; and hence the interrex is said *rogare regem*, to put his acceptance to the vote. In this way is the creation of Numa and Ancus related: as to Servius Tullius, he is said to have usurped the throne without a previous election by the senate⁸⁵⁶. Afterward the same system continues for a considerable time in the consular elections: and so does the use of the word *rogare*.

When the king had been accepted, his inauguration took place, in order to give him the immediate sanction of the gods; and there may perhaps have been a time of honest credulity when adverse auguries would be a ground for proceeding to a new election. Even this however was not sufficient to give the new king the full power, the *imperium*: it was necessary that he should be invested with it by a specific law, which he himself proposed, and the rejection of which would have compelled him to resign his dignity. The origin of this practice seems to have been, that in very ancient times, though the Quirites were

Annals. Unless he had meant to indicate this, he would have written τοῖς πρώτοις λαχοῦσι δέκα.

⁸⁵⁶ Dionysius ii. 58. προυχειρίσαντο (οἱ πρεσβύτεροι βουλευταὶ) —Νομᾶν ὡς δὲ τοῦτ' ἔδοξεν αὐτοῖς, συγκαλοῦσι τὸ πλῆθος εἰς ἐκκλησίαν καὶ παρελθὼν ἐξ αὐτῶν ὁ τότε μεσοβασιλεὺς κ. τ. λ. iii. 36. ἡ μεσοβασίλειος ἀρχὴ αἰρεῖται βασιλέα Ἀγκὸν ἐπικυρώσαντος δὲ τοῦ δήμου τὰ δόξαντα τῇ βουλῇ κ. τ. λ. iv. 8. οὐκ ἀξιοῦντες (τὸν Τύλλιον) ἐαυτῷ μηχανήσασθαι βασιλικὴν ἐξουσίαν, μήτε βουλῆς ψηφισαμένης, μήτε τῶν ἄλλων τῶν κατὰ νόμον ἐπιτελεσθέντων. In the subsequent part of the account of Numa's election, which I have not transcribed here, it looks as if the interrex proposed the candidate for the kingship of his own authority: but this semblance is dispelled by the way in which the election of Ancus is represented. Dionysius however was perhaps somewhat inattentive to what he was saying.

to hold the office in turn, the election rested with the Ramnes; after which however it was requisite that the person elected should be approved of by the other order; and this was done by the curies of the two tribes conferring the *imperium*. On the elevation of the third tribe, it was in like manner fair that its curies should be summoned to express their acceptance, when the election had been completed by the other two. An institution of this sort will outlive the causes that produced it; one is however disposed to seek for reasons why it was maintained when the election was carried on by all the curies conjointly. It may either have been that the person nominated had, like the Greek magistrates, to undergo a scrutiny and prove that there was nothing rendering him unable or unworthy to enter upon his office; and the delegated examiners were to make their report on the subject to the curies⁸⁵⁷: or the intrusting so great a power was deemed by free men a measure so grave and hazardous, that they reserved themselves the power of deliberating upon it twice over. The latter was Cicero's view, even with regard to the annual and limited magistracies⁵⁸. As the curies however could not come to a vote on any matter which was not brought before them by a decree of the senate, there must have been such a decree in this case also: and if we suppose that the first choice was made originally by only a part of the senate, there would be the same ground for this second decree as for taking the opinion of the curies. When these had ceased to exist except as a mere name, the senate still retained the power of refusing its assent: owing to this it was compelled

⁸⁵⁷ This would be the province of the pontiffs; because the kings had so important a share in the divine service: and the preliminary scrutiny, the δοκιμασία, could certainly belong to none but those who τὰς ἀρχὰς ἀπάσας ὅσαι θυσία τις ἢ θεραπεία θεῶν ἀνάκειται, καὶ τοὺς ἱερεῖς ἅπαντας ἐξετάζουσιν. Dionysius ii. 73. Moreover they presided in the comitia of the curies.

⁵⁸ de l. agr. ii. 11. (26.)

to express its acceptance previously to the matter being proposed to the people; and the continuance of this formality misled Livy into supposing that the *patres* who had to give their assent in the earliest ages, were the senate.

The law of the curies invested the king with all the power he needed as head of the state and of the army; and with authority to hold courts and appoint judges⁸⁵⁹. The extent of this prerogative cannot possibly be defined: thus much however I consider to be certain; that the celebrated *lex regia* concerning the emperors, which has been the subject of so much controversy, was no other than the law which granted the *imperium* to the kings; though with alterations as well as additions. A law which had been proposed by a king, was a *lex regia*; not so one which related to conferring regal power on such as were not kings. The table concerning the *imperium* of Vespasian is a law, not a decree of the senate⁶⁰: though under the emperors any comitia but such as were mere forms, like those of the curies, are out of the question. It must have been in the Papirian code that the formulary by which the *imperium* was granted to the kings, was preserved.

The kingly office at Rome in its power, prerogatives, and restrictions, resembled that of the heroic age in Greece: it differed, in being a magistracy granted only for life.

⁸⁵⁹ *Judicia, quæ imperio continebantur*; which in those days cannot possibly have been defined.

⁶⁰ Since this was written I have found out that this law had already been recognized by Ernesti to be the *lex curiata de imperio*. Excurs. II. in Oberlin's Tacitus, vol. II. 865. His scruples about its genuineness would have vanished at the first sight of the original; or if he had been aware that it was already known in the time of the glossographers, and regarded as one of the twelve tables. Owing to this it was carried to the Lateran, as a relic of ancient Rome.

The king had the absolute command of the army, and was the priest who offered sacrifices for the nation: when within the city he must have been the only person entitled to convoke the senate and the people, and to lay measures before them: but laws, and questions of war and peace, were determined upon by the citizens⁸⁶¹; though there could be no precise limits to the power of a successful and favorite prince. He had the right of punishing the disobedient with corporal penalties and fines: an appeal however lay from such sentences to the assembly of the citizens⁶²; a privilege which we cannot conceive to have been enjoyed by any but the patricians. Every ninth day the king held his court⁶³: to his tribunal belonged the adjudication of property and persons, the protection of legal possession; in a word every thing that was subsequently included in the jurisdiction of the prætor, even the assigning a judge: if he chose however to determine causes in person, he might do so. His power over residents within the pale*, and over all that did not belong to the houses of the citizens, had no bounds, any more than that of a dictator. Booty and land acquired in war were at his absolute disposal, so far as the claim of the citizens to the usufruct did not stand in his way. A part of the conquered territory fell to the share of the crown; which had extensive demesnes attached to it, cultivated by its

⁸⁶¹ Dionysius II. 14. VI. 66.

⁶² Provocationem etiam a regibus fuisse declarant pontificii libri, significant nostri etiam augurales. Cicero de Re p. II. 31. See below, note 1176.

⁶³ Macrobius I. 15. Tusci nono quoque die regem suum salutabant, et de propriis negotiis consulebant. The feelings which the recollection of this usage kept alive, were probably the occasion of the separating the nones and the nundines: Macrobius I. 13: not the fabulous cause assigned for it. See notes 721, 910.

* See the text to note 961.

vassals⁸⁶⁴, and supplying it with riches and with a devoted train. Over the administration of the pontifical law the king did not preside: the independence of the augurs is apparent from the legend of Attus Navius; that of the pontiffs is quite as unquestionable.

⁸⁶⁴ Agri, arvi et arbusti et pascui, lati atque uberes, definiebantur, qui essent regii, colerenturque sine regum opera atque labore. Cicero de Re p. iv. 2.



TULLUS HOSTILIUS AND ANCUS.

It was from the books of the pontiffs and augurs, that Livy took the formularies for the solemn proceedings of the Roman law; formularies which, after prevailing for many ages, had in his day long been obsolete, and the origin of which was traced back to the kings. It is certain that it was from this source he derived the formulary used in trials for treason, containing the evidence for the existence of that appeal to the people, which Cicero had found mention of in the pontifical and augural books⁸⁶⁵: nor is it more doubtful with regard to those which were used in consecrating a king, in the proceedings of the *pater patratus* at a treaty, in those of the *fecials*, and in the surrender of a city. A conjecture about the nature and character of these books may be hazarded without presumptuously prying into what fate has forbidden us to know. We can only conceive them to have been collections of traditions, decisions, and decrees, laying down principles of law by reporting particular cases⁶⁶: and thus fragments of old poems might be contained in them, such as the law of treason from the lay of the *Horatii*.

The actual narrative of the times of the kings Livy, guided by his poetical feeling, drew mainly from Ennius: this seems to be demonstrated by his assuming the same period for the duration of Alba, which is presupposed by the chronology of that ancient poet⁶⁷; and surely it cannot

⁸⁶⁵ Above, notes 687 and 862.

⁶⁶ As was done in the eastern collections of traditions, and even in the Pentateuch: see Numb. xxxvi.

⁶⁷ Above, pp. 202 and 266.

have been a mere work of chance, that the words in which Cocles invokes the god Tiber should be so nearly the same in the two accounts⁸⁶⁸. He could not have selected more judiciously: and so long as the history of Rome shall continue to be written, the narrator in this part has no choice but to translate Livy; or, if his work, like mine, will not admit of such details, to give a simple record of poems, with which we may happily presume every one to be familiar in Livy's excellent representation of them.

If any one looks for historical truth, and consequently for connexion, in the story of the first century of Rome, he must find it wholly incomprehensible that Alba should disappear altogether the moment the city is founded. The tradition neither tells us of any aid sent by the mother city during the danger that threatened Rome; nor does it explain how, when the race of Æneas became extinct with Numitor, Romulus was excluded from their throne. Both what is said, and what is not said on this point, tends to establish the nature of those accounts, which are given us for historical. Alba and Roma were entirely strangers to each other: in the legend which relates the fall of the former city, it is not the Silvii who rule there, but C. Cluilius or Fuffetius, as dictator, or prætor.

Mutual acts of violence had been committed by the citizens of the two cities; and it fell out that both were sending embassies to demand satisfaction at the same time. In order to render the Albans responsible for having unjustly refused to make atonement, the Roman king detained their ambassadors by festivals and banquets, declining to introduce them into the senate; until the Albans had refused to deliver up the offenders to the Roman

⁸⁶⁸ Tiberine pater, te sancte precor, hæc arma et hunc militem propitio flumine accipias. Livy II. 10. Teque, pater Tiberine, tuo cum flumine sancto. Ennius, p. 41.

envoys, and these had thereupon declared war against Alba⁸⁶⁹. The armies of the two cities were drawn up against each other on the Fossa Cluilia, where it crossed the Latin way and the boundary of the Roman territory⁷⁰: the princes came to an agreement to avert a battle by a combat. There were in each army three brothers, of the same age, the Horatii and the Curiatii; their mothers were sisters, and had both brought their sons into the world at a birth⁷¹. The ancient narrators varied in calling sometimes the Horatii, and sometimes the Curiatii, Romans or Albans: it was only the later historians who came to a decision on this point; nor

⁸⁶⁹ *Bellum in trigesimum diem indixerant*, says Livy: according to the fecial law however it was the practice, after the lapse of three respites, each of ten days, (or likewise after thirty-three days), to declare, that it was now time for the elders at home to take counsel, whether they should avenge their wrong by war; and such assuredly was the account the ancient poet gave in this place. No doubt the change had been made long before Livy's time by the annalist he followed, though the number was not altogether abandoned: and certainly it was startling, that thirty days should have elapsed, without the Albans at Rome hearing of the demand made in their city by the fecials. However what need had the poet of calculating the actual distance? He had the right of enlarging it, as much as served his purpose: just as Herodotus and Xenophon on the contrary speak of the Medes and Persians as if their country were not more extensive than that of a small Greek people, nay of a single city with its domain.

⁷⁰ That is, near Settebassi, between the fourth and fifth milestone from the Porta Capena, on the road to Frascati: for the Via Latina, which was much older than the Via Appia, led in those days to Alba: see above, pp. 201, 202. Let those who go along that road think of the Horatii in this part of it. The name of the ditch was unquestionably derived from an Alban prince: for the sake of explaining this name, the story was invented that the armies were encamped a long time in this place, and, since Fuffetius appears subsequently as the prætor of the Albans, that Cluilius died here. The oldest tradition must have represented the princes as coming to an agreement from the first that they would meet, each attended by his people, at the borders of their territories, and leave the decision of their quarrel to the gods.

⁷¹ Every body will perceive that we have here types of the two nations, regarded as sisters, and of the three tribes in each of them.

is there any better authority than their caprice for the opinion which is now universal, and which I too shall follow, that the former were Romans. Two of the Horatii had fallen; the third was left unhurt to contend against three wounded foes, and by craft and skill overcame them. At the gate of the city his sister met him, and cursed him in her despair, on seeing him conducted by the exulting army, and bearing aloft the spoils of the slain, among the rest the embroidered cloak of her betrothed which she herself had woven: anger seized him, and she fell by his hand. The judges of blood condemned him to be hung upon the fatal tree⁸⁷²; he appealed to the people, and they gave him his life.

For the compact had been, that the nation whose champions should be victorious, was to command the obedience and service of the other: and the Albans fulfilled it. When Fidenæ however, having driven out or overpowered the Roman colonists, was defending itself with the assistance of the Veientes against Tullus and the Romans, in the battle that ensued the Romans stood against the Veientes; on the right, over against the Fidenates, were the Albans under their dictator Mettius Fuffetius⁷³. Faithless and yet irresolute he drew them off from the conflict to the hills: the Etruscans, seeing that he did not keep his engagement to them, and suspecting that he was threatening their flank, gave way, and fled along by his line; when the twofold traitor fell upon them in their disorder, in the hope of cloaking his treachery. The Roman king feigned himself deceived: on the following day the two armies were summoned, to receive their

⁸⁷² The phrase, *am argen nordern Baum henken*, in the Frisian laws, answers to *infelici arbore suspendere*.

⁷³ *Mettius*, not *Mettus*, would have been the reading in Livy, as well as in Ennius—in whom it is to be pronounced *Méttieó Fuffétieó*—and in the Greek writers, unless the authority of the manuscripts had been disregarded. The proper names of the Latins resemble gentile names in their terminations; as *Octavius*.

praises and rewards. They whose courage forsakes them in the execution of a criminal plot, will surrender themselves to vengeance, if it be dissembled, with a view of avoiding what might confirm the suspicion that such a plot had been formed. The Albans came without their arms, were surrounded by the Roman troops, and heard the sentence of the inexorable king; that, as their dictator had broken his faith both to Rome and to the Etruscans, he should in like manner be torn in pieces by horses driven two opposite ways; and as for themselves and their city, that they should remove to Rome, and that Alba should be destroyed. It was carried into execution. The city, being already stript of all its men capable of bearing arms, was surprised, and razed, to the sound of trumpets⁸⁷⁴, all but the temples.

Tullus assigned the Albans habitations on the Cælian: and this is a point the legendary history of Rome may rely on, because he was regarded as the founder of the Luceres. Else the settlement on the Cælian was ascribed by other stories to Tuscans; some placing it as far back as under Romulus, and others again much later than Tullus. All the patrician houses that deduced their stock from Alba, belonged to the Luceres; even the Julii: and the fact of their having come from Alba, I hold to be historically certain, as well as the fall of Alba. But the war which terminated in that fall has only an indefinable historical foundation, like the Trojan war. The probability is, that Rome in conjunction with the Latin towns took Alba, and that the allies divided the territory and the people they had conquered. For by the Italian law of nations, which in such a case of a total destruction would also be the law of nature, the Alban territory must have become the property of the conqueror: yet we find it in the possession not of Rome, but of the Latins; here, at the fountain of Ferentina, below Marino, did they

⁸⁷⁴ Servius on *Æn.* ii. 313.

hold their national assemblies⁸⁷⁵. Or perhaps Alba may have been destroyed by the Latins, not by Rome, and the Albans who retired to Rome may have been received there as refugees. Thus the demolition of Fiesole, and the carrying away the Fiesolans to her pretended daughter city, is the earliest point that passes for historical in the story of Florence. The interval between the year 1008 and Machiavel is less by near 150 years than that which was reckoned between Tullus and Livy; the oldest chronicles related it: and now the Tuscan critics have long since proved that Fiesole continued to exist for many ages after that pretended destruction in the very same state as before.

After the fall of Alba begin the wars with the Latins, who dwelt on both sides of the Anio in a semicircle about Rome, the Tiber forming its chord. Of that war with them, which Dionysius relates to have arisen even in the time of Tullus, in consequence of Rome pretending to have acquired the supremacy ascribed to Alba, Livy is ignorant. He does however mention an alliance concluded under that king with the Latins: and the existence of this alliance, as a confederacy in arms, not with the Latins alone, but also with the Hernicans, such as that formed by Sp. Cassius, is implied in a narrative preserved from Varro, which has a historical air⁷⁶. It relates that the troops of the allies under generals from Anagnia and Tusculum encamped upon the Esquiline, and covered the city whilst Tullus was besieging Veii; and this war is connected with that against Fidenæ, just as there is a like connexion in the legend of Romulus: Livy, who passes over it here, nevertheless seems to include it in the total number of the Veientine wars⁷⁷.

⁸⁷⁵ Livy I. 50. VII. 25. Dionysius seems to confound this place with the Ferentinum of the Hernicans.

⁷⁶ Varro *Rer. Human.* VIII. in Festus v. Septimontio.

⁷⁷ *Septies rebellarunt*, he says, v. 4.

In the time of Tullus the Sabines were the most powerful people in all Italy, next to the Etruscans. Tullus warred against them with success; until the anger of the gods at the neglect of their service, and at the decay of the piety inculcated by Numa, was announced by a shower of stones on the Alban mount, and by a pestilence. The king himself grew sick, and sank despondingly into a restless superstition. As the gods persisted in their silence, and would not grant him any sign revealing the means of atonement, he sought to constrain them to answer by Numa's mysterious rites at the altar of Jupiter Elicius: but an oversight in these perilous conjurations, or the wrath of the gods, drew down a thunderbolt upon him. The lightning consumed the king's corpse, and his house, together with all his family. A reign of two and thirty years was assigned to him.

The lay of Tullus Hostilius is followed by the narration of a course of events, without any marvellous circumstances, or poetical colouring: by the founding of Ostia this narrative is connected with real history: but it is referred to a chronological computation in which the tricks of elaborate falsifiers are most clearly apparent.

Ancus Marcius, from whom the plebeian house of the Marcii boasted of descending, was called in the tradition the son of Numa's daughter; which alludes to the practice of taking the kings alternately from the Romans and the Quirites. Mindful of his ancestor's example he applied himself to the reestablishment of religion, which had fallen into neglect. He had the ceremonial law, so far as it required to be generally known, transcribed upon tables, which were fixed up in public that all might read them: and indeed it may easily be believed to have not been until after the time of the kings that the indispensable observances of religion were converted by the pontiffs into a mystery only to be learnt from their teaching.

The reign of Ancus however was not destined to be so peaceful as that of Numa. He conducted the war against the Latins victoriously. He took Politorium, Tellenæ, Ficana, towns lying between Rome and the sea, the Via Ostiensis and the Ardeatina, and compelled their inhabitants to settle upon the Aventine. At length being alarmed by the danger of Medullia, a confederate army assembled, over which the king gained a hard-fought victory; whereupon, as the tradition says, he carried away several thousand Latins to Rome. He also made conquests from Veii, and acquired some forests on the sea-coast and some saltmarshes, as well as both banks of the Tiber down to its mouth; here he built Ostia, the oldest of the Roman colonies which the historical age recognized as having been preserved: for those founded by Romulus, Fidenæ, Crustumium, and Medullia, effaced this character by their rebellion. Ostia, which like them enjoyed the Cærite franchise, was the harbour of Rome: ships of considerable size could in those days run into the Tiber; the mouth of which, partly through neglect, and partly from illjudged erections, has now become inaccessible, even more so than those of the other rivers that discharge into the Mediterranean. He built the first bridge over the Tiber, and a fort beyond it on the Janiculum as a bulwark against Etruria: on the other side he dug the ditch of the Quirites, a protection of considerable importance, as Livy says, for such parts of the city as stood low and were exposed. This ditch, a work of no splendour and not mentioned by any other writer, must without doubt be the Marrana, a continuation of the Fossa Cluilia, which originally perhaps had been conducted into one of the little rivers that fall into the Tiber below Rome. It was a defense for the open ground between the Cælian and the Palatine⁸⁷⁸; and it drained the valley of the Murcia, while it supplied the

878 The Vicus of Septem Viæ.

Campagna with water. The oldest remaining monument of Rome, the prison, formed out of a stone-quarry in the Capitoline hill, is also called the work of Ancus. It was on the side of the hill above the Forum, the place of assembly for the plebeians; and, until an equality of laws was introduced, it served only to keep the plebeians, and those who were below them, in custody: hence the construction of it may be ascribed to the same king to whom the first establishment of the plebeian estate is referred. The original common law of the plebs was regarded as the fruit of his legislation; in the same manner as the rights of the three ancient tribes were looked upon to be the laws of the first three kings⁸⁷⁹: and because all landed property by the principles of the Roman law proceeded from the state, and on the incorporation of new communities was surrendered by them, and conferred back on them by the state, the assignment of public lands is attributed to Ancus⁸⁰. Now this act being viewed as a parcelling out of public territories, was probably the cause which led the plebeians to bestow the epithet of *good* upon him in the old poems: as on the other hand it must have been the same act that induced Virgil to charge him with vanity and courting popular favour⁸¹. They who look with aversion on the beneficent and kingly work of fostering the germs of new rights and cherishing them as they spring up, seek for the source of such conduct, not in that generosity of mind which, while it respects the rights of whatever has any living energy, rejoices in the coming forth of new life, and shrinks from the sight of torpor and decay, but in impure motives, which, it is true, may give birth to actions not dissimilar in appearance.

The ground about the temple of Murcia, between the Circus and the Aventine, cannot have afforded more than

⁸⁷⁹ See note 763.

⁸⁰ Cicero de Re p. ii. 18.

⁸¹ *Bonus* Ancus. Ennius iii. p. 53. Lucretius iii. 1038. Zonaras too says: ἐπικεικὸς ὤν. In Virgil on the contrary he is *Jactantior* Ancus *Nunc quoque jam nimium gaudens popularibus auris*.

scanty room for a few hundred small houses, and can never have been sufficient for the many thousand families that Livy speaks of⁸⁸²: but the Annals may perhaps have been justified in stating that even thus early a very large number of free Latins were incorporated with the Roman state. Perhaps however this was not effected by conquest, but by a voluntary treaty; if we suppose that after the destruction of Alba an agreement was entered into by Rome and Latium, that a part of the Albensian and a part of the Priscan Latin towns should belong to Rome, while a new state, consisting like the old one of thirty towns, was formed out of the rest. For a similar arrangement was entered into by these states on two several occasions during the historical age.

The new subjects could not be admitted into a new tribe, as the Luceres had been: for by the reception of these the number of tribes had been completed, and it could not be exceeded: they constituted a community which stood side by side with the people formed by the members of the thirty curies, as the body of the Latin towns had stood in relation to Alba. This was the beginning of the plebs, which was the strength and the life of Rome; the people of Ancus as distinguished from that of Romulus⁸³. And this is a fresh reason

⁸⁸² I. 33. *Multis millibus* Latinorum in civitatem acceptis, quibus, ut jungeretur Palatio Aventinus, ad Murciæ datæ sedes.

⁸³ The words in the concluding strophe of the hymn of Catullus, xxxiv, *Sis quocumque tibi placet Sancta nomine, Romulique Ancique*, ut solita es, bona Sospites ope gentem, answer to the formulary, *Quod felix faustum fortunatumque sit populo plebique Romanæ*. It was Scaliger's piercing eye that detected the true reading in this passage, from finding that the text, before the editors had disfigured it, was *antique*; out of which the superficial, always easily satisfied, had made *antiquam*, the reading adopted by his predecessors. The light which led him seems to have been that of grammatical logic, which taught him that, to complete the sense of the passage, another conjunction was wanting after *Romulique*: at least I do not know of any trace of his having ever set himself to solve the riddle of Roman history. But there was no region of

for Ancus being placed in the middle of the Roman kings.

philological research that he had left unvisited; and that which is frequently the case may perhaps in this instance have befallen him: in a mass of utter confusion, a single spot which others have overlooked, will often strike an observing eye; but no distinct consciousness of it is retained, because it is only an insulated fragment of a whole. It recurs to the memory, when anything else connected with it is any where met with: but even then it is often only a transient light which falls upon the darkness; and even he on whom it has shone forgets what it revealed to him.



THE LAY OF L. TARQUINIUS PRISCUS AND SERVIUS TULLIUS.

It is impossible to believe that the ancient lays in their original form spoke of Damaratus as the father of L. Tarquinius: but Polybius must have found this story already extant in the Roman Annals*; and perhaps it also occurred in Ennius; nay even in the later forms assumed by the old poem, when the tales of Zopyrus and Periander were woven into it. Such lays, even in the hands of learned bards, are perpetually altering their features, shifting and changing until they vanish away.

When Cypselus, the offspring of a marriage of disparagement, uniting with the commons had overthrown the oligarchy at Corinth, and was taking vengeance on the persons who had aimed at his life, many of the Bacchiads fled, and among the rest Damaratus. Commerce had not been esteemed disreputable among the Corinthian nobility; as a merchant, Damaratus had formed ties of friendship at Tarquinii; he settled there. He brought great wealth with him; the sculptors Euchir and Eugrammus, and Cleophrantus the painter⁸⁸⁴, accompanied him; and along with the fine arts of Greece he taught the Etruscans alphabetical writing⁸⁵. Renouncing his native country for ever, he took an Etruscan wife, and to the sons whom she bare him, gave the names and education of their own land, together with the refinements of Greece. One story represents him as having obtained the government

* Polyb. vi. 2.

⁸⁸⁴ Pliny xxxv. 5. 43.

⁸⁵ Tacitus. Annal. xi. 14.

of Tarquinius⁸⁸⁶: but there is more accordance with the customs and laws of Etruria in the other, that his son Lucumo, having by his elder brother's early death become sole heir of his father's riches, and being encouraged by his wife Tanaquil who was initiated in the national art of reading futurity, resolved on emigrating to Rome, because every prospect to honours was closed against strangers among the Etruscans. Her expectations were confirmed by an augury. When they were looking from the top of the Janiculum upon the Roman hills before them, the traveller's bonnet was carried away by an eagle into the air; but soon he stooped again with it and replaced it on the head he had bared. At Rome Lucumo was welcome: being admitted with his family to the rights of citizenship, he changed his name into Lucius Tarquinius, to which Livy adds *Priscus*. His courage, the splendour with which he lived, his liberality and prudence, gained him the favour of the king and the people: the former appointed him guardian to his sons; and when the throne became vacant the senate and citizens raised him to it with one accord.

Of the wars ascribed to L. Tarquinius, Dionysius, adopting the forgeries of very recent annalists, has given an intolerable newspaper account: for the purposes of this work even Livy's dignified brevity goes too much into detail; and it would be utterly at variance with them, to stop and point out how the two historians contradict each other as to the order of these wars and their events. According to Livy it was by the Latins and Sabines that the growing power of Rome was obstinately but unsuccessfully resisted. Apiolæ, a town destroyed by Tarquinius, belonged to the Latins; and its wealth was such, that the booty enabled him to exhibit more splendid games than the city had yet seen: Corniculum too was demolished; and Nomentum, together with Ameriola, Comeria,

⁸⁸⁶ Strabo viii. p. 378. c.

Crustumerium, Ficulea, Medullia, places which must have lain between Nomentum, Tusculum, and the walls of Rome⁸⁸⁷, submitted to the dominion of the Romans. One or two of these towns are never again mentioned afterward. The Sabines had advanced with a great force to the gates of Rome: the Roman horse drove them back: their camp was on the left bank of the Anio; Tarquinius set fire to their bridge by means of burning rafts, and annihilated their whole army. Several traditions are connected with this war; the vow of the Capitol, and the institution of ornaments for boys of noble birth: the king's son, a lad of fourteen, was invested by him with a golden *bullæ* and a purple-bordered robe, for having slain one of the foe.

The war in which the Æquians, who in aftertimes became the indefatigable enemies of Rome, and were already a great and formidable people⁸⁸, were subdued by Tarquinius, is referred by Livy to the second king of that name⁸⁹. Dionysius says nothing of this quarrel: but on the other hand he relates minutely, how at first five of the remoter great Etruscan cities were induced to send aid, which proved inadequate, to the Latins; and how afterward, when the Sabines had entered into a truce for several years, all the twelve cities to the south of the Apennines united their forces against Rome, but after losing a battle at Eretum submitted to king Tarquinius as their supreme head, and did homage to him by presenting him with the badges of royalty, the splendour

⁸⁸⁷ It is hard to understand how the Romans and Sabines could come in hostile contact, so long as these cities continued independent and intervened between them.

⁸⁸ Cicero de Re p. ii. 20. Strabo v. p. 231. a. "Αἰκονοὶ γειτονεύοντες μάλιστα τοῖς Κυρίταις· τούτων τὰς πόλεις Ταρκύνιος Πρίσκος ἐξεπόρθησε. In the same place he calls Apiolæ a Volscian town.

⁸⁹ He treats it indeed as a matter of little importance: *pacem cum Æquorum gente fecit.* i. 55.

of which ennobled his triumph⁸⁹⁰: according to this account, in the evening of his days he was the acknowledged sovereign of the Etruscans, the Latins, and the Sabines. With regard to this vast extent of his dominions nothing is said by Cicero or by Livy; the only extant Latin writer who speaks of it, is Florus: but thus much is recognized by all, that the power of Rome under Priscus rose far above what it had ever been before.

His victory in the Sabine war was owing to his having doubled the number of his cavalry: in conformity with this measure, the king wished to double the number of the equestrian centuries, and to name the three new ones after himself and two of his friends. His plan was opposed by the augur Attus Navius; who represented that Romulus had acted under the guidance of the auspices in regulating the distribution of the knights, and that nothing but the consent of the auspices could warrant a change in it. Attus by descent was a Sabine; the gift of observing and interpreting auguries was the endowment of his countrymen; even when a boy without any instruction he had practised the art, and afterward on being taught had acquired the greatest knowledge of it that any priest ever attained to⁹¹. In all probability the books which we read, word his objections less peremptorily than they were worded in the original legend: in which he probably declared that the auspices forbade any change. Tarquinius, for the sake of shaming the augurs, or for his own satisfaction, as Croesus put the veracity of the oracles

⁸⁹⁰ This ceremony, like others, was adopted by Rome from the Etruscans, whose monuments contain representations of triumphal processions.

⁹¹ Dionysius says, he did not belong to the college of augurs. This is an inference which his ingenuity, or that of some one before him, drew, because the augurs were patricians, and Attus in his boyhood had tended his father's swine; as if a poor patrician could have dispensed with the household services of his children. It is utterly inconceivable that the ancient legend should have represented the most renowned of all augurs as a stranger to the college.

to the proof, commanded him to divine whether what he was at that moment thinking of were possible or impossible. When Attus had observed the heavens and declared that the object of the king's thoughts was feasible, Tarquinius held out a whetstone, and a razor to split it with: the augur straightway did so. The whetstone and razor were preserved in the Comitium under an altar: beside them on the steps of the senate-house stood the statue of Attus, a priest with his head muffled.

Yielding to this omen, the king abandoned the scheme of establishing any new centuries: but to each of those established by Romulus he associated a second under the same name; so that from this time forward there were the first and second Ramnes, Tities, and Luceres. The writers who state that the equestrian order was increased to twelve hundred, take a century for a hundred horsemen, and suppose that the six centuries were further doubled by the same king after the Æquian war⁸⁹²: the fact they refer to however was nothing but the union with an equal number of Latin cavalry in the field, like that between the infantry of the two nations.

What has made the name of Tarquinius ever memorable, is, that with him begins the greatness and the splendour of the city. Often the legends fluctuate in ascribing a work or an exploit to him or to his son: but the vaulted sewers by which the Velabrum, the Forums, the country down to the lower Subura, and the valley of

⁸⁹² This throws light on a very obscure passage of Cicero de Re p. ii. 20. *Prioribus equitum partibus secundis additis, m ac cc fecit equites, numerumque duplicavit postquam bello Æquos subegit.* Livy has misunderstood the fact: yet in him too the true reading is 1200, not 1800: see Mai on the passage of Cicero. For there is little difference between *d* and *a*, especially in the uncial character of which a specimen is given in the plate to my edition of Cicero's fragments, n. 3; and they would be perpetually mistaken for each other, but that *d* is a consonant. *mdccc* in the Florentine manuscript comes from *maccc* (*m ac cc*) as it stands in Cicero.

the Circus, till then swamps and lakes, or bays in the bed of the river, were drained, are in most of them called the work of the elder king; and coupled with this undertaking must have been that of embanking the Tiber. In the valley thus gained between the ancient town of Roma and the Tarpeian hill, he allotted a space for a market and for the meetings of the people, built porticoes round it, and gave ground to such as wished to set up booths and shops there. Betwixt the Palatine and the Aventine, the meadow redeemed from the water was levelled, and converted into a racecourse: each of the curies had a place here assigned to it, where the senators and knights erected scaffolds to view the games from⁸⁹³, and where they would also make room for their clients. He surrounded the city with a wall of hewn stone after the Etruscan manner, or at least made preparations for doing so⁹⁴. The building of the Capitoline temple from the very foundation is ascribed by the earlier narratives to the last king: to the father they only attribute the vow. And so must every one do, who wishes for connexion or fancies he sees history in lays and legends; else the building would have rested for a number of years during the whole reign of Servius Tullius.

These works, rivalling the greatest of the Etruscan, can never have been accomplished without oppressive taskwork, any more than those of the Pharaohs or Solomon's. To cheer his people during their hard service, the king instituted games; which from his time forward were celebrated annually in September, under the name of the Roman or great games. Of the contests which drew the Greeks to Olympia, none but the chariotrace and boxing were

⁸⁹³ *Loca divisa patribus equitibusque*, says Livy i. 35: *διελών τοὺς τόπους εἰς τριάκοντα φράτρας, ἐκάστη φράτρα μοῖραν ἀπέδωκε μίαν.* Dionysius iii. 68. They are both relating the same thing.*

⁹⁴ Dionysius, iii. 67, says *ἐδοκίμασε*. Livy, i. 38, *parat*. The tradition, we may be sure, was not thus cautious: the reason which made the historians so, is clear enough: the wall of Servius.

practised by the Etruscans. The spectacle was a source of delight to the people of Italy; but the contests were the business of hirelings or slaves: if a freeman engaged in them, instead of being immortalized by sculpture or in song, and of becoming the pride of his family, he forfeited his honour and his franchise. The charioteer and the player were in no higher esteem than the gladiator. Not that the Romans clung to their spectacles of all kinds with less vehemence of pleasure than the Greeks: if however, like the Greeks, they could have honoured the object that excited their passions, they would not have lost themselves in that extravagant fury, which even in early times maddened the factions of the circus in behalf of their despicable favorites. But the chariotrace was not the only amusement at the *Circensia*: there were also the processions, the images of the gods borne along robed in kingly garments, the armed boys, the wardances and the ludicrous imitations of them*. The rites of religion too, which till then had been plain and simple, were clothed with splendour under Tarquinius: in his reign bloody sacrifices are said to have been introduced, and adoration to have been first paid to representations of the gods under human forms.

The memory of this king was honoured and celebrated by the descendants of those who had sighed under his heavy yoke: nay the sufferings themselves were imputed to his detested son; although neither the Forum nor the Circus can have been laid out, until the great sewers had been built. Still more favour was shewn by after-ages to *Caia Cæcilia*, the wife whom another legend gives him instead of the Etruscan *Tanaquil*: the Roman brides revered her as a beneficent enchantress⁸⁹⁵, and an industrious housewife diligent at the loom⁹⁶, just as the

* *Dionysius vii. 72.*

⁸⁹⁵ She wore a magic girdle: hence persons in great peril took filings from the girdle of her statue in the temple of *Sancus*. *Festus v. Prædia.*

⁹⁶ *Probus de nominibus p. 1400. in Gothofred. Auct. Ling. Lat. Plutarch, Quæst. Rom. xxx. p. 271, makes her wife to a son of Tarquinius.*

blessed days of Queen Bertha and her spinningwheel are still held in remembrance among the Germans.

According to the tables of the pontiffs Tarquinius had reigned thirty-eight years, when his glorious life was terminated by assassination. The sons of Ancus Marcius had long looked upon him as an enemy and usurper, whose death would afford them an opportunity of mounting the throne. They were not quieted by seeing that the king was more than eighty years old: for there was no doubt that, if the approach of death found him in possession of his consciousness, he would secure the succession to his son-in-law Servius Tullius, his own favorite, and the darling of the whole people. In those days princes still acted as judges, especially in breaches of the peace, for any of their subjects who had recourse to their paternal authority. Under a pretext of this kind two murderers engaged by the Marcii obtained an entrance into the king's chamber, and gave him a deadly wound.

The birth of Servius Tullius was no less marvellous than humble. Ocrisia, a handmaid of the queen, and one of the captives taken at Corniculum, was bringing some cakes as an offering to the household genius, when she saw an apparition of the god in the fire on the hearth: Tanaquil commanded her to array herself as a bride and shut herself up in the chapel. She became pregnant by a god: by many of the Romans the household genius was said to be the father of Servius; by others Vulcan. The former supported their opinion by the festival Servius established in honour of the Lares: the latter by the deliverance which the god of fire vouchsafed to his statue⁸⁹⁷.

Such legends are always far older than those which have a historical air: of the latter kind two very different ones became current on the descent of Servius. According to the one⁹⁸, his mother was a handmaid from

⁸⁹⁷ Ovid. *Fast.* vi. 625. ff. Dionysius iv. 2.

⁹⁸ In Cicero de Re p. ii. 21. The insinuation that Servius was probably a bastard of the king, is an instance how even the greatest mind may be betrayed into a silly absurdity.

Tarquinius, his father one of the king's clients, he himself when a child in the condition of a slave. The other had a more dignified air, and was caught at by Dionysius: it stated that at Corniculum, one of the Latin towns to the north of the Anio, dwelt a person of princely birth, who likewise bore the name of Servius Tullius: that at the taking of his native city he was slain along with all its defenders: but that his widow, then far advanced in her pregnancy, was carried away with the other captives to Rome; where she was assigned to the queen on account of her illustrious rank, was treated with honour, and was delivered of a boy.

One day, as the child was sleeping in the porch of the royal palace, his head to the horror of the beholders was seen encircled with flames⁸⁹⁹. The queen Tanaquil forbade their being extinguished: for the Etruscan prophetess recognized the spirit of his father, and foresaw that the boy was called to great things: when he awoke the apparition had vanished. From that time forward he was bred up like the king's own child, and to the highest hopes. Nor in more advanced life did he ever cease to be in intimate communion with the higher powers. The goddess Fortune loved him: she compressed within his life the extremes of her empire, birth in the form of a servant, the possession of sovereign power with worthiness to wield it, and finally an unmerited cruel death: she visited him secretly as his spouse⁹⁰⁰, but under the condition that he should cover his face and never look upon her. A very ancient gilt wooden statue of the king, the face of which was kept covered over in like manner, was set up in the temple he had erected to his goddess. The temple was

⁸⁹⁹ According to Valerius Antias this happened late in his life, when he had fallen asleep after sorrowing long for the death of his wife Gegania. Plutarch de Fort. Roman. p. 323. c. This Gegania instead of Tarquinia, and Cæcilia instead of Tanaquil, may possibly be historical personages.

⁹⁰⁰ Ovid Fast. vi. 577 ff.

once consumed by fire; but the statue remained uninjured, because Servius was sprung out of the flames.

In his early years the city and army found him the bravest and the best of the Roman youth: a battle had been almost lost; he tossed the standard into the midst of the enemy's ranks, and thus inspirited his soldiers to gain the victory: he headed the armies of the aged king with glory, and was rewarded with the hand of his daughter. His father-in-law entrusted him with the exercise of the government; and when Tarquinius became very old, Servius was enabled to lighten the yoke that pressed on his subjects. So that they rejoiced, when, by an artifice frequently practised in the East, it was announced to them that the king's wound was not dangerous; and that for the present he appointed Servius to govern in his stead. Had an interreign taken place, the senate would have had the power of keeping the election of Servius from coming to the vote: as it was, he exercised the authority of king, without any election: however, when the death of Tarquinius became known, the curies invested him with the *imperium*⁹⁰¹; and afterward he did homage, for the first time, to the majesty of the centuries, by calling upon them too to decide whether he was to reign over them.

The wars of this king are far the least important part of his actions: a successful one against the Veientes, of which Livy makes only slight mention, is magnified by Dionysius into victories over the whole Etruscan nation, which after the death of Tarquinius had repented of its submission, but was compelled by severe defeats to resort to it a second time as the only means of safety. Indeed the forgery has made way even into the Fasti, where the pretended triumphs are recorded with the year and day of their occurrence.

In the older traditions Servius, next to Numa, seems to have had the scantiest portion of military fame: his

⁹⁰¹ Cicero de Re p. ii. 21. Dionysius iv. 12.

great deeds were laws; and he was named by posterity, says Livy, as the author of all their civil rights and institutions, by the side of Numa, the author of their religious worship. The constitution attributed to him requires an explanation that must be kept apart and removed without the circle of these legends: but the lays which preserved his memory in freshness, must assuredly have also celebrated his paying the debts of such as were reduced to poverty, out of his royal treasures; his redeeming those who had pledged their labour for what they borrowed; and his assigning allotments of land to the free plebeian citizens, out of the territories they had won for their common country with their blood.

Several Latin communities, their towns having been destroyed, or continuing to exist only as marketplaces, were at this time a component part of the Roman people, which had already grown into a nation: and this nation was leagued by treaty, but not by a federal union, with the Latins who held their general assemblies at the fountain of Ferentina. Such a federal union was effected by Servius, who at the same time obtained the supremacy in it. All such federations among the ancients were connected with the worship at some common temple: the sun and moon, Dianus and Diana, were the divinities adored by the Latins, as the mightiest, the most manifest, and the most benevolent. Accordingly when Servius concluded a league between Rome and the thirty towns of the Latins, among which Tusculum, Gabii, Præneste, Tibur, Aricia, Ardea, were at that time the most important, the confederates combined in raising a temple to Diana on the Aventine, the principal abode of such Latins as had newly become citizens of Rome. The tablet containing the record of the league, and enumerating every people that took part in it, was erected and preserved there: and perhaps it was because this temple was the common property of Rome and Latium, that the Aventine was not included within the *pomœrium*; neither

when Servius extended it by incorporating the Esquiline and the Viminal, nor in subsequent enlargements⁹⁰².

The Sabines too joined in the worship of this temple³. A yeoman of that people had a bull of prodigious size born among his cattle, the enormous horns of which were preserved down to very late times, nailed up in the vestibule: the soothsayers announced that whoever should sacrifice this bull to the Diana of the Aventine, would raise his country to rule over her confederates. The Sabine had already driven the victim before the altar, when the Roman priest craftily rebuked him for daring to offer it up with unclean hands: while he went and washed in the Tiber, the Roman accomplished the sacrifice.

The legend relates that the king's beneficent and wise laws were received by the patricians with sullenness and anger: and its voice may well be believed; for of their descendants but a very few were inspired with the wisdom of king Theopompus, who comforted his repining queen by telling her, that limited power is the more lasting. Strong houses belonging to the nobles in strong situations within the city excited alarm in ancient Rome, as they did in the Italian towns during the middle ages: thus the people looked with jealousy on the house that the consul Valerius was building; and thus the Tuscans are said to have been commanded to descend from the Cælian hill.*. In the same spirit it is related, that, when Servius was building on the Esquiline and took up his own residence on that mount, he would not allow the patricians to fix there; just as they were afterward prohibited from dwelling on the Capitoline: but he assigned the valley to them, where they settled and formed the *Vicus Patricius*⁴; in the neighbourhood of Santa Pudenziana.

⁹⁰² Gellius xiii. 14.

³ In this way one may get over the difficulty which that acute critic, Glareanus, perceived in Livy i. 45.

* Varro de l. l. iv. p. 14.

⁴ Festus v. Patricius Vicus.

His suspicion was not unwarranted: thus much may be considered as historical, that they conspired with a heinous rebel against the venerable king.

The royal house of Rome, says Livy, was doomed, like others, to be defiled by tragical horrors. The two brothers, Lucius and Aruns, the sons of Tarquinius Priscus, were married to the two daughters of king Servius. Lucius, capable of crime, though his own impulses were not strong enough to urge him to it, was united to a virtuous lady; Aruns, honest and sincere, to a wife of a fiendish character. Enraged at the long life of her aged father, and at the apathy of her husband, who seemed ready, when the throne became vacant, to resign it to his ambitious brother, she swore destruction to them both. She seduced Lucius to join her in bringing about the death of his brother, and of her own sister: without even the bare show of mourning, they lit their marriage torch at the funeral pile: Tanaquil lived to endure this sorrow⁹⁰⁵. It seemed however as if the criminals were on the point of losing the object of their crime: for Servius, to complete his legislation, entertained the thought of resigning the crown, and establishing the consular form of government⁶. Nor were the patricians less alarmed and indignant at this plan: for they saw that the hateful laws of Servius would be confirmed for ever, if consuls were to be appointed after the manner proposed in the king's commentaries. When the conspiracy was ripe, Tarquinius appeared in the senate with the badges of royalty, and was greeted by the insurgents as prince. On the report of a seditious commotion, the king hastened undaunted to the

⁹⁰⁵ According to Fabius: see Dionysius iv. 30; where he vehemently finds fault with Fabius on this score, because according to the *Annals* Aruns died in the fortieth year of Servius.

⁶ Livy i. 48. 60. Dionysius iv. 40. In Plutarch, *de Fort. Roman.* p. 323. d, Ocrisia or Tanaquil exacts an oath from him not to do so: that is, she foresaw Tullia's crime.

senate-house; and standing in the doorway reprimanded Tarquinius as a traitor: the latter seized the weak old man, and threw him down the stone steps. Bleeding and maimed Servius was lifted up by some trusty attendants and led away; but before he reached his dwelling, the tyrant's servants came up with him and murdered him: his body was left lying in its blood.

Meanwhile Tullia could not await the tidings of the result. She drove through the midst of the crowd to the senate-house, and hailed her husband king: her transports struck even him with horror; he commanded her to return home. In a street, which from that time forward bore the name of *Wicked*, the body of her father was lying before her. The mules shrank back; her servant pulled in the reins; she ordered him to drive on over the corpse: the blood spirted over the carriage and on her dress.

According to another legend which Ovid has worked up⁹⁰⁷, the insurrection of Tarquinius excited a fray between his partisans and those who remained faithful to the king; in which Servius, while flying homeward, was slain at the foot of the Esquiline: hence the bloody corpse was lying before the carriage, when Tullia drove to take possession of the palace.

Once she ventured to enter the temple of Fortune, where the honoured statue of her father was erected: the statue hid its face from the looks of the parricide⁸.

The people, stunned and dismayed, suffered the chains that had been loosened to be fastened upon them again. But when in the funeral procession the image of Servius was borne behind his bier in the pomp of royalty, every virtuous and every fierce passion was kindled by the beloved features thus restored to their sight: an insurrection would have burst forth immediately; vengeance would have been taken: but so unstable and thoughtless is the populace, its rage was appeased when the face was

⁹⁰⁷ Ovid Fast. vi. 598.

⁸ Ovid Fast. vi. 613.

covered over⁹⁰⁹. Yet the memory of Servius continued to live very long; and since the people celebrated his birthday on the nones of every month—for the month had become a matter of uncertainty, but that he was born on the nones of some month was agreed by every tradition,—and as their veneration grew stronger and stronger, when the patricians, having become sole masters of the government under the consular form, were pressing hard upon the commonalty, the senate at length found it necessary to enact that the markets should never be held on the nones, lest the countryfolk being gathered together, and inflamed by present oppression, and by the remembrance of better times, should venture upon an insurrection, to restore the laws of the martyr¹⁰.

909 Ovid Fast. vi. 581. Another legend followed by Livy related exactly the contrary; that Tarquinius forbade the burial of the corpse, saying in mockery, *Romulus too went without funeral rites*; and that for this reason the name of *Superbus* was given him. They who, like Dionysius, thought such conduct too unmannerly, devised a way of giving Servius, not indeed a burial suitable to his rank, but at all events a private one.

10 Macrobius Saturnalia i. 13.

EXAMINATION OF THE STORIES OF L. TARQUINIUS AND SERVIUS TULLIUS.

THE story of Damaratus acquires a seductive look of historical truth, from the positive manner in which it is connected with Cypselus, whereby it appears at the same time to confirm the chronological statements with regard to L. Tarquinius. Now could it be assumed that the story was transplanted in this shape out of native traditions into the earliest annals, its importance would only be increased by the gross ignorance as to the affairs of Greece displayed by the annalists even so late as in the seventh century of the city, and by their manifest incompetence for devising that the tables of the pontiffs should synchronize with the history of Corinth. Did they not even consider Dionysius a contemporary of Coriolanus? did they not fancy, running off into the opposite error, that in the year 323 the Carthaginian armies crossed over into Sicily for the first time⁹¹¹?

But this apparent chronological coincidence stands and falls with the dates assigned to L. Tarquinius: and the only foundation for these is a piece of numerical trifling. In the bare empty outline, which is clearly an invention, there may seem to be such an agreement: but the old Roman story was enormously at variance with those dates;

⁹¹¹ For the former point, see Dionysius vii. 1: for the latter, Livy iv. 29; who repeats the statement without a scruple. There is a singular misunderstanding here, which I will explain in the second volume.

and there is no possibility of a reconciliation: what looks like one has only been effected by glossing over some things and distorting others.

All the Roman annalists, with the exception of Piso who adulterated what he found, followed Fabius in calling the last king and his brother Aruns the sons of the elder Tarquinius, who died during their childhood; and this account was adopted by Cicero and Livy: Fabius said no less expressly, that they were the sons of Tanaquil, and that she outlived Aruns. This harmonizes exceedingly well with our finding that Collatinus and L. Brutus, the former of whom is described as the grandson to the brother of the elder Tarquinius, the latter as the son of that king's daughter, are of the same age with the sons of Tarquinius Superbus: and this strikes so deep into the very heart of the story, that the refinements of Piso and Dionysius destroy all manner of connexion in it, and entail the necessity of still more falsifications than they themselves had any notion of, in order to restore even a scantling of sense and unity.

It was the easiest of all possible historical controversies, to shame old Fabius by calculating that Tarquinius, if, as the *Annals* gave out, he came to Rome at latest in the eighth year of Ancus, must at least have reached his eightieth year when he was murdered, and that Tanaquil cannot then have been under her seventy-fifth; so his having left children of tender age behind him was out of the question; and moreover that, if Aruns died in the fortieth year of Servius, his mother must then have been a hundred and fifteen years old. With Fabius indeed Dionysius might argue on the premises of the chronology admitted by both: but the old poet would have replied to him: My good friend! who told you that I count like the pontiffs? Were I to reckon a period of eighty-two years for the two reigns of Tarquinius and Servius, and to trouble myself about what the *Annals* say concerning the year when the Lucumo came to Rome and that

when Aruns died, then you would be in the right: but those nonsensical numbers no way affect me. If you insist on my saying how many years then I would allow to these two kings, and if I must needs give you an answer; why...five and twenty, thirty⁹¹²...what know I about it? what care I? Only it must not be a number that ruins my poem, and makes Tullia and Tarquinius wait twenty long years from the hour when they must have conceived the plot of their crime, before they carry it into effect: it must not be a number that makes the father of Collatinus come into the world above a hundred and twenty years before the day of his son's idle talk with the royal youths over their cups; or the mother of Brutus more than a century before he drove out the Tarquins, after having been living with the young princes as their comrade.

But 'as soon as the birth of the first Tarquinius is placed at least fifty years later, Damaratus ceases to be the contemporary of Cypselus; and down comes the whole story which was fabricated out of this coincidence by some Greek learned in chronology. Such inventions may have travelled to Rome as early as in the time of Fabius, since the father of Roman history did not write till after the death of Eratosthenes.

Here again I will not refuse to try if I can explain how the current story arose. That story is very far from the same thing with a certain ancient Græco-Italian tradition, that Etruria had received alphabetical writing and the arts from Greece. The tale of Damaratus personified the

⁹¹² Whoever wishes to form a notion as to the probable mean duration of a magistracy resembling the Roman monarchy, may acquire it from the catalogues of the Venetian doges, during that period when the election did not fall of set purpose on old men, but on persons fit to govern and to command the armies of the state. During the five centuries between 805 and 1311, there were forty doges; so that twelve years and a half fall to the share of each. Besides at the beginning the office was in fact hereditary.

bearers: nobody surely will place the sculptors Euchir and Eugrammus, that is, *the skilful handler* of clay and *the good drawer* upon it, as real personages in the history of the arts; yet these names seem to belong to early times; not so that of Cleophrantus the painter, who was probably added afterward. Damaratus however is inseparable from his companions; and it is by no means candid to lose sight of or slur over his being the introducer of writing: which is only done, because it is impossible to believe that the art was not brought into Tyrrhenia until about the thirtieth Olympiad.

What is related of him is an ancient tradition, just of the same kind as that which makes Evander teach the art of writing to the Latins: originally it was without any determinate date, and only represented the fact as belonging to that remote period when writing was first diffused and the arts were in the germ; for Cleophrantus had no other colours than the red dust ground from tiles: so that assuredly, had the notion become more distinct, the age of Damaratus would have been thrown back, like that of Evander, far beyond the first Olympiad. As to Corinth being called his home, a hint for explaining this might perhaps be derived from the resemblance noticed above between the earthen vases of Tarquinii and of Corinth*; which leads us to infer that there was some peculiar intercourse between these two maritime cities: and perhaps some Corinthian of the same name did actually at one time or other reside in Etruria, and gain celebrity; which became still greater from his name being given by the fable to that ancient teacher of Tyrrhenia. Having thus become generally known, like Pythagoras, the Roman legend connected Tarquinius with him, as it did Numa and the Æmilii with that philosopher; and from the Roman chronology it was concluded that he must have been contemporary with Cypselus, and so might

* P. 130.

be a fugitive Bacchiad. The cause which moved him to leave his country, is cleverly devised, and so is the story how he won general popularity: for it was necessary to account for a foreigner being freely chosen king.

Now should any person conceive that the historical features of this story are to be detected behind the legendary mask, and that Tarquinius may have been a Tyrrhenian, born of an Etruscan woman in a marriage of disparagement, he might urge, among other arguments, his having introduced Greek rites and representations of the gods into the Roman temples. For my own part I hazard a very different conjecture, though one in this point nearly allied to that which has just been suggested; a conjecture which may perhaps startle even such as are not over-timid, more than any other opinion at variance with the received one: yet in my eyes it has a probability amounting to conviction.

The supposition that Tarquinius was an Etruscan owed its origin, I conceive, solely to his name being deduced from that of the Etruscan city; so that he was moreover deemed a suitable person for the Tuscan age of Rome to be referred to. I am so far however from regarding Tarquinii as the birthplace of his race, that I hold it to be of Latin origin.

The notion that the Tarquins were a family in our sense of the word, is disproved by the fact, the evidence for which will be brought forward by and by*, that a whole Tarquinian house existed at Rome, which was banisht along with the last king. We also find mention of Tarquins at Laurentum⁹¹³: these may be supposed to have been exiles of that house: but even if they were, to this place must the legend or tradition have made them turn their steps, as it made Collatinus settle at Lavinium. When such a belief was current, assuredly Tarquinii was not looked upon as their home.

* Note 1148.

913 Dionysius v. 54.

The Latin origin of the Tarquins is pointed out by the surname of the first king, just as the names of other patricians shewed from what people they sprang⁹¹⁴. For *Priscus* was certainly the name of a people just like *Cascus**; and after the very same manner did it grow to mean *primitive* and *old-fashioned*: the *Prisci Latini* were the *Prisci et Latini*. The formulary for declaring war, which Livy has inserted under the reign of Ancus, is indeed anything but a document of that age: it is taken however from the books of pontifical law, which extended into much remoter ages than the Annals, and the writers of which, according to the times they lived in, were observant of the circumstances and relations of antiquity. In these books such an utter absurdity would never have been committed, as to draw up a formulary declaring war against the *old* Latins, at a time when Latin colonies had never been thought of: the expression is altogether unexceptionable, if used to denote the united nation of the Priscans and Latins¹⁵. Now the Servilii, among whom *Priscus* was a surname, were among the Alban houses on the Cælian; as were the Clælii, who bore the surname of *Siculus*¹⁶: for the Albans were conceived to be a mixture of the Siculans with the Priscans. But as the Servilii

⁹¹⁴ *Auruncus, Siculus, Tuscus, Sabinus*. See above n. 765. *Rutius* too is *Rutulus*; and among the Mamiliii we find the names *Turinus* and *Vitulus*. In like manner *Priscus* was a surname of several families: it is best known as such in ancient times among the Servilii, and as the first surname of the censor Marcus Porcius: who was born in the land of the Sabines, and came from Latin ancestors. (Plutarch, Cato, c. 1.) In his case again it was misunderstood, as if meant to distinguish him from his descendant: *prisci Catonis virtus*. The name *Priscus* has exactly the same form and character with the national names, *Tuscus, Cascus, Opscus*. * See p. 78.

¹⁵ Like *populus Romanus Quirites*. Livy i. 32. *Quarum rerum &c. condixit pater patratus populi Romani Quiritium patri patrato Priscorum Latinorum, hominibusque Priscis Latinis, &c.* See above p. 288.

¹⁶ Livy i. 30. *Principes Albanorum in patres legit, Tullios, Servilios, Quinctios, Geganos, Curiatios, Clælios.*

being Priscans belonged to the Luceres, so were the Tarquins the heads and representatives of that tribe. In this capacity they will appear in the course of the history: for the present I will only remark that the father called up the lesser houses to the senate, and that they were the faction which supported the son in his insurrection⁹¹⁷. That one of the Luceres should have become king, before his tribe was raised by his means to the full rights of citizenship, is less surprising than if we suppose him to have been a foreigner; and indeed by military influence it may easily be explained; an infringement of privileges in such a state of things being much more possible than under the consulate. The Albans, although a mixt race, were mainly Tyrrhenians; and this accounts for the worship of the Greek gods at the *ludi Romani*: which, if Tarquinius was an Etruscan, is so inexplicable. Down to this time the Sabine was the prevailing religion at Rome.

Caia Cæcilia belongs to a legend concerning Tarquinius entirely different from the prevalent one: for in the latter Tanaquil comes to Rome with him and outlives him; nor is anything even said of her having changed her Etruscan name like her husband. Cæcilia had a statue in a temple; so clearly is the tradition about her the older: and her name implies a connexion with Præneste, said to have been built by Cæculus¹⁸, the heroic founder of her house. In this point the fictitious Etruscan Tarquinius, the son of Damaratus, has not quite obliterated the traces of the Latin Priscus: the historians threw aside altogether, what they could not reconcile with their accounts.

Lucumo, as a name for an Etruscan, would have been just like that of *Patricius* for a Roman. That no such ever occurred among the Tuscans, is a matter on which the grave-stones, were it needed, might serve as witnesses: the

⁹¹⁷ Livy i. 47. *Circumire et prensare minorum maxime gentium patres.*

¹⁸ Servius on *Æn.* vii. 681.

application of it in the legends of the Romans to individuals, to the ally of Romulus, to the nobleman of Clusium*, and to Tarquinius, is a proof how utterly uninformed they were on every thing that concerned a nation in their immediate neighbourhood, from their not understanding a word of its language.

The greatest event in the story of Tarquinius Priscus, his subduing the whole of Etruria south of the Apennines, is entirely past over by Cicero and Livy: but the triumphal Fasti shew that here too Dionysius had Annals to bear him out; so that the account they gave must have been rejected as incredible by those Roman writers, as no doubt it had been before the time of Cicero by Polybius. In truth one may openly deny the historical character of a story stating that the twelve Etruscan cities from Veii to Arretium, not one of which is said even to have been besieged, much less taken, should be led to submit to a master by the single battle at Eretum; and consequently of the account of the whole war, in spite of the triumphal Fasti. At the same time this very union of Rome with Etruria may chance to be one of the very few particles of historical truth relating to those ages⁹¹⁹. But even if Rome was the capital of a king who ruled over Etruria, with whom Tarquinius, from his name, was identified, and if that king embellisht it with such works as could only be executed by the powers of a great nation, who is there able to assure us that Rome conquered Etruria? that it was not a Tuscan who fixt his abode at Rome, in the central point of Etruria, Latium, and the land of the Sabines?

The legend that Servius Tullius was born in slavery, generally adopted even by such as did not believe the story of his marvellous conception, was probably occasioned by his name; or at least that seemed to establish its truth.

* Dionysius ii. 37. Livy v. 33.

⁹¹⁹ Authors read by Strabo (v. p. 220. a.) also spake of Tarquinius as the benefactor, and doubtless as the ruler, of Etruria.

Now most of the explanations given by the Romans themselves of their ordinary names, are to the full as absurd as it would be to explain many among our own commonest names by means of Teutonic roots: for the Roman are of Sabine or some other foreign origin, as even Varro, the most capricious of all etymologers, allows. If however we are disposed to accede to that which has a plausible look, and so to adopt the derivation given by Festus and Probus for the names *Manius* and *Lucius*, we may find an analogous and suitable meaning for *Servius* or *Seruius*; to wit, a child born in the evening, from *sero*, like *Manius* from *mane*⁹²⁰.

Whatever way we regard him, the most remarkable of the Roman kings, whose personal existence the history of the constitution cannot refuse to recognize, is still in all the narratives of our historians as much a mythological being as Romulus or Numa. We look about for firm ground; and had nothing but those fictions been handed down to us, I should not scruple to follow the track pointed out by the relation between the king who preceded him and the lesser houses. The Tullii are mentioned among the Alban houses by Livy: hence it would be probable that Servius also belonged to the Luceres: I would go further, and conjecture that he may have been the offspring of a marriage unsanctioned by the state with a Latin woman of Corniculum. But whatever weight may be attached to these probabilities, it requires more courage than does any other conjecture in my work, to speak with confidence on this head. For by a document, which itself has been preserved in an extraordinary way, Servius is transported into a totally different region, but is placed where we should never have looked for him.

The most credulous adherent to what commonly passes for a history of the early ages of Rome, could not decline the

⁹²⁰ The name of the Servilian house besides justifies us in conjecturing without fear of going wrong that there was a hero named Servius in the Roman mythology.

challenge to abide by the decision of Etruscan histories, if any strange good chance were to supply us with such in an intelligible language. For they must grant that the literature of Etruria was far older than that of Rome; and that the earliest Roman historian must have lived a full century later than the time when the Etruscan annals were composed, if these were written in the eighth secle of their nation*. Now we do find an account of what these annals related about Servius, in the fragments of a speech made by the emperor Claudius concerning the admission of some Lugdunensian Gauls into the senate: which fragments are preserved on two tables discovered at Lyons in the sixteenth century⁹²¹, and since the time of Lipsius have been often printed among the notes on Tacitus, but probably have seldom met with a reader. And on this point the author of the Tyrrhenian history is unquestionably a trustworthy witness.

Claudius begins to recount from the origin of the city how often the form of government had been changed, and how even the royal dignity had been bestowed upon foreigners. Then he says of Servius Tullius: according to our Annals he was the son of the captive Ocresia: but if we follow the Tuscans, he was the faithful follower of Cæles Vivenna²², and shared in all his fortunes. At last, being overpowered through a variety of disasters, he quitted Etruria with the remains of the army that had served under Cæles, went to Rome, and occupied the Cælian hill, calling it so after his former commander. He exchanged his Tuscan name Mastarna for a Roman one, obtained the kingly power, and wielded it to the great good of the state²³.

* Above p. 136.

⁹²¹ It may be found in Gruter, p. DII.

²² *Cæli* might look like the genitive of *Cælius*; but there is no long *I* in the impression, and Claudius, from his love of what was antiquated, declined *Cæles* in this way, like *Persi*. The Etruscan gentile names ended in *na*, as those of the Romans did in *ius*: thus *Cacina*, *Spurinna*, *Perpenna*, and here *Vivenna* and *Mastarna*.

²³ Servius Tullius, si nostros sequimur, captiva natus Ocresia; si Tuscos, Cæli quondam Vivennæ sodalis fidelissimus, omnisque ejus casus

Now Cælius or Cæles Vibenna, and the settling of his army at Rome on the hill named after him, were known to the Roman archeologists, and even mentioned in the Annals. According to them Cæles himself came to Rome: but with regard to the person who was king at the time, the statements, as Tacitus observes⁹²⁴, differed greatly. He himself assumes that it was Tarquinius Priscus: and a mangled passage of Festus, where moreover Cæles and Vibenna are said to have been brothers, seems to have agreed with him²⁵: on the other hand the same Festus in another passage, along with Dionysius and Varro²⁶, places him under Romulus during the Sabine war: both statements make him come to assist the Roman kings on their summons. In all these stories, as in the Etruscan one, he appears as the leader of an army raised by himself and not belonging to any state, like the bands of the Condottieri, sometimes serving a master for pay, at others pillaging and exacting contributions on their own score. We read several times of foreigners levying men in Etruria, and that too in early ages*: a practice out of which such dangerous bodies of troops might easily arise.

I have already remarked that the Lucumo mentioned in the Sabine war is no other than Cæles, who was transplanted into

comes: postquam varia fortuna exactus cum omnibus reliquiis Cæliani exercitus Etruria excessit, montem Cælium occupavit, et a duce suo Cælio ita appellitatus (write *appellitavit*), mutatoque nomine, nam Tusce Mastarna ei nomen erat, ita appellatus est ut dixi, et regnum summa cum reip. utilitate optinuit.

⁹²⁴ Annal. iv. 65.

²⁵ V. Tuscum Vicum: we ought probably to read *secuti* for *secum*, were it allowable to emend a passage where the gaps cannot be filled up with certainty.

²⁶ Fest. Epit. v. Coelius Mons. Dionysius ii. 36. Varro de L. L. iv. 8. p. 14. I will remark here by the way that the diphthong *oe* in the name of the hill and of the Etruscan commander as well as of the Roman family is an entire mistake, and that we ought always to write *Cælius*; and besides, that the Florentine manuscript of Varro instead of *Coelio* has *Cæle*, which Victorius seems to have overlooked.

* Above p. 127, note 403.

the age of Romulus⁹²⁷, because Lucerum existed from time immemorial by the side of Rome, and the Tuscans on the Cælian were taken for Etruscans. This trace leads us further; and, such was the multiplicity of the legends, it is exceedingly probable that in some other the supposed Lucumo Tarquinius was identified with this very Tuscan leader: in that case the calling up of the lesser houses, or of the Luceres, answered to the settling of Cælius and his followers. In like manner I also suspect that there was a connexion between the Roman legend of Tarquinius, the assumed supreme head of all Etruria, and the Etruscan one of the conqueror Tarchon²⁸, the founder of Tarquinii, who was born with the wisdom and the gray hairs of old age. This Tarchon however, a descendant of Telephus, was claimed by the Rasena, as Hector and the Teucrian heroes were by the Greek inhabitants of Ilium: he belongs to the Tyrrhenians, and was probably the hero who gave name to the house of the Tarquins.

Here I pause, convinced that, though a few points in the gray distance may appear to be distinguishable from the hight, he who would descend to approach them, would forthwith lose sight of them, and, having no fixt point to steer by, would wander on a fruitless journey further and further from his course. The Etruscan story, if it had come to us immediately and authentically from the old Etruscan annals, could not be gainsaid, but would be irreconcilable with all the rest of Roman history; nor would it lead to any results. But while we take into account that Etruria continued to flourish till the time of Sylla without losing her national independence, we may also regard it as certain that during all that period there was a succession of annalists, among whom, as among the Roman, the later always knew

⁹²⁷ Above p. 292. Dionysius ii. 37. Compare Varro de L. L. iv. 9. p. 17.

²⁸ Schol. Veron. on *Æn.* x. *Archon* and *Darchon* must however surely be blunders of the scribes. See Strabo v. p. 219. d: above pp. 37. 114, note 362.

more than his predecessors, without having any new sources of information. Wherever judgement was requisite, Claudius was quite at a fault: and if the ancient tale of the faithful and persevering Mastarna retiring to Rome had been attacht to Servius Tullius out of national vanity by any Etruscan writer, however late his age or arbitrary his procedure, Claudius would yet have been unable to distinguish this from a genuine tradition.

I will not pore any longer over these questions: but this representation, like the ordinary one of L. Tarquinius Priscus, clearly implies the notion that there was a time when Rome received Tuscan institutions from a prince of Etruria, and was the great and splendid capital of a powerful Etruscan state.

Those who saw that a part of the religious knowledge possessd by the Romans had an Etruscan character, as was confirmed by the practice continued down to late ages for the Roman youths to study at the source of oral tradition*, and that all the profane sciences prevalent at Rome before the introduction of Greek literature were of Etruscan origin; and who believed the evidence affirming that many of the political institutions, and even the names of the ancient tribes⁹²⁹, came from the same source; were long ago led to the conviction that the Etruscans were a much more important element in the ancient Roman nation than they are said to be, at least by writers now extant. Accordingly, when the tale concerning the Alban origin of Rome had been excluded from history, the first bent of thought was to assume that it was an Etruscan colony. To go thus far, against all ancient authority, was more than bold: but he who contends against rooted prejudices, digging to the bottom of them and resolved to upset their dominion, cannot possibly keep himself entirely free from excess; he is led into it by the contemptible

* Above p. 120, note 377.

⁹²⁹ Volnius in Varro de L. L. iv. 9. p. 17. See above p. 132, note 415.

aspect which everything connected with the old error wears in his eyes. Moderation can only come in after the victory is achieved: then is the time to look into the erroneous opinion which had previously been current, for those features of truth that had been crusted over; and the restoring this truth to honour, when purified from what had made it worthless, is a delightful reward, to which an honest man will joyfully sacrifice his hypothesis.

As such a reward I esteem my persuasion, in the first place that at Rome, as in Etruria, a very great deal which was regarded as Etruscan was in fact Tyrrhenian, and consequently anything but foreign to the Latins; and next, that that operation of Etruscan influence upon Rome, which by the Romans was implied under the government of the first L. Tarquinius, by the Etruscans under the settlement of the army of Cæles, is enough to account intelligibly for the rest: so that it is not necessary to deny the Latin stock of the first Romans. I have gained the conviction that, considering the lateness of the times when Cære is still spoken of as the Pelasgian Agylla, its conquest by the Etruscans, and consequently their advance to the Tiber, previously to which they could not have established a colony at Rome, cannot be referred to very remote ages; and that before the time of the Etruscans the Sabines were a powerful nation in these parts. The point of most importance would be that the names of the tribes were Tuscan: but is it at all probable that the etymological explanations given by Volnius were happier or surer than Varro's Latin ones? even if he did not abuse his advantage that no one was capable of judging of what he said.

The Etruscans at one time were masters of Rome; even if it was only during the passing conquest by Por-senna: perhaps one of the three states in its neighbourhood conquered the city, or the army of Cæles or some other such established itself there. The former notion, and the conjecture that Cære planted a colony at Rome, derive considerable probability from the franchise shared by and named after the inhabitants of Cære, and from the

affinity between the religious worship of the two places. The citizens of the genuine Roman colonies had the franchise of Rome without a vote; and, so far as it could have any value for a Roman, he had the franchise of the colony. Had any such town, Antium for instance or Ostia, made itself independent, and grown powerful while Rome sank, and had it nevertheless retained its ancient institutions; in that case the right to such a franchise there might have been denominated the right of the Romans. A like state of things would very well account for the origin of the Cærite franchise at Rome: there is a good deal of plausibility in the derivation of the word *cæremonia* from Cære, slight as in such matters is the authority of the Roman grammarians who give it: and one is naturally ready to embrace this explanation of the fact, that when the Gauls attacked the city the sacred treasures of the Roman state were conveyed for refuge to Cære*, in preference to other places not more remote. Still all this does not amount to a proof. Who can tell how far this connexion was a connexion with Agylla, and how far with Cære? Besides the wish to introduce genuine Etruscan laws would have led an Etruscan sovereign to send for priests and teachers from the nearest city of his own people; and thus a permanent intercourse between the Roman and Cærite priesthood might be established: while as to a community of franchise, it existed at times even with a totally foreign people. The close union between Rome and Latium, the constitution of the centuries which was at once common and peculiar to them, are in fact altogether incompatible with the hypothesis of an Etruscan colony; but may be reconciled with that of a very powerful action of Etruscan influence. If any body pretends that he is able to decide with confidence in questions of such obscurity, let none listen to him†.

* Livy v. 40.

† To understand the foregoing paragraphs the reader should be aware that the author in his first edition inclined strongly to suppose

The want of any historical information with regard to the Etruscan dominion at Rome arises not merely from the same general causes by which history has been destroyed and perverted; but in times when no written documents exist in an imperishable form, a people that has delivered itself from a foreign yoke, seeks to blot out even the memory of its ever having pined in servitude. Thus after the revival of ancient literature the Italian historians, ashamed that their country should be governed by barbarians, fabled that Narses had driven the Goths, Charlemagne the Lombards, out of the whole of Italy, and had restored it to the Romans, purged of the stranger and of his laws.

As to the story of the death of Servius, which has lived for two thousand years, and will live as long as a recollection of the Roman kings endures, it may be of about the same historical reality, as that the Tuscan chief Mastarna was the son of Ocrisia: Tullia's crimes may be no less imaginary than those of Lady Macbeth. But thus much is infallibly certain, that the laws of the man who called the commons to freedom, were for the most part rendered abortive: whether this counter-revolution of the patricians was effected by mere threats and the crafty usurpation of power, or was attended with bloodshed and atrocities, is of very little importance. The fact and its fruits are recorded in the tradition as the reign of Tarquinius the tyrant.

On the other hand those wholesome laws, the perfecting the state, and the completing the city, which presuppose that there was an earlier condition such as may aptly be termed the Romulean, shed glory over the reigns of the first Tarquinius and of Servius: the investigation of these points leads me back again to something that is really historical and stands on a sure basis.

that Rome was of Etruscan origin, and even started the conjecture that it might be a colony from Cære.

THE COMPLETING THE CITY OF ROME.

THE festival of Septimontium preserved the remembrance of a time when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome; but the rest of the city, with the exception of the Aventine, which was and continued to be a borough, formed a united civic community, to the extent afterward inclosed within the wall of Servius⁹³⁰. It consisted of seven districts, which as such still retained each its own holidays and sacrifices in the age of Tiberius³¹: Palatium, Velia, Cermalus³², Cælius, Fagutal, Oppius, Cispius³³. Not that every one of these places had a claim to be called a hill: one unquestionably, and perhaps a second, lay

⁹³⁰ Varro (iv. 5. p. 11), according to the Florentine MS, considers Septimontium as the ancient name of the place where the city afterward arose: *Ubi nunc est Roma Septimontium*.

³¹ The members of these guilds must be the *montani* who appear in the declamation *Pro domo* 28 (74): *nullum est in hac urbe collegium, nulli pagani, aut montani*. The *plebs rustica* cannot possibly be alluded to in this place.

³² The spelling this name with a C, not a G, is established by Festus, the Florentine MS of Varro, and Plutarch (*Romul.* c. 3); the termination *us*, not *um*, by the epitome of Festus.

³³ Festus v. Septimontium. Beside these he also mentions the Subura; that is, one district more than seven: this however was the *pagus sucusanus*, or belonged to it; hence the Suburans were *pagani*, not *montani*. They may have taken part in celebrating the Septimontium, from belonging to the liberties of Lucerum, not of Quirium.

in the plain at the foot of a hill. Others were hights, which in later times were reckoned along with some neighbouring hill, as part of it, with the view of not having more than seven hills in Rome: for even in regard to this division a form derived from an early age and a petty state of things was subsequently stretched by the Romans to fit a very enlarged one³⁴. The Velia was the ridge which runs from the Palatine toward the Carinæ, the site of the temple of Peace and of that of Venus and Roma³⁵: Oppius and Cispius are the two hills of the Esquiline: but the Cermalus is the spot at the foot of the Palatine, where the Lupercal and the Ficus Ruminallis were, and where, before the first Tarquinius, the surface, when the waters were high, was flooded from the Velabrum. So that it is by no means necessary to suppose that the Fagutal was a hill: and since it is incredible that the wide and convenient plain between the Palatine and the Cælian, Septizonium and the Colosseum, which did not need draining like the lower levels, should have been unoccupied by buildings and without a name, it seems to me most plausible to look on this as the Fagutal³⁶.

These places, which had sprung up near one another, were not united by any ringwall. I have already marked out the line of the fortifications in the pomerium of

³⁴ Not only did the Romans never reckon more than seven hills, but when Augustus divided the city into regions, though it was entirely for practical purposes, he determined their number by doubling that of the oldest divisions. Christian Rome too was very early divided into seven regions.

³⁵ For the Carinæ, as all the older topographers perceived from the continuance of the name, *le carra*, and from observation, was the neighbourhood of S. Pietro in Vincola: and under the Velia lay the temple of the Penates, in a street leading from the Carinæ to the Forum; perhaps San Cosma e Damiano.

³⁶ The notion that the Fagutal was a part of the Esquiline rests on the misinterpretation of a passage in Varro (iv. 8. p. 15.), which says nothing of the kind.

Romulus, and hinted that on the further side of the Via del Colosseo it abutted on the mound which protected the Carinæ⁹³⁷: in the valley beyond, under that mound, lay Subura, which was then a village³⁸. The Cispius and the Cælian, we are to suppose, were strengthened after the ancient Italian method by steepening the sides of the hill, and, where the ground did not allow of this, by a wall and ditch. The Aventine, from lying insulated, admitted of being easily fortified.

The part most in need of defense was the flat between the Palatine and the Cælian: for this was the only place where there were open plains. As the ground abounded in landsprings, a moat running from the edge of the Aventine toward the neighbourhood of the Porta Capena, itself supplying the earth for a wall, was the fortification that nature pointed out. This was the line of the Marrana or ditch of the Quirites, mentioned among the works of Ancus³⁹: here alone can it be looked for by any one who calls to mind what was then the state of the city, and not upon the plain where the wall of Servius was afterward erected: for the Quirinal and Viminal did not yet form part of Rome.

The establishing a local communication to unite Septimontium with the hills of Quirium on the one side, on the other with the Aventine, was the beginning of a new city. It commenced with the building of the Cloaca Maxima, which carried off the collected waters of the Velabrum, and which its founder made of such dimensions that it could receive still larger affluxes. Without encroaching on the domain of Roman topography, a historian may

⁹³⁷ Above p. 283. Varro de L. L. iv. 8. p. 15. Subura sub muro terreo Carinarum.

³⁸ Varro in the same place: *Subura*, Junius scribit, ab eo quod fuerit *sub antiqua urbe*,—quod subest ei loco qui terreus murus vocatur. Sed ego a pago potius *Sucusano* dictum puto *Sucusam*. Pagus *Sucusanus*, quod *succurrit* Carinis.

³⁹ Above, p. 347.

record of this astonishing structure, that its innermost vault is a semicircle 18 Roman palms in width and in highth; that this is inclosed within a second, and this again within a third; and that they are all formed of hewn blocks of *peperino*, $7\frac{1}{4}$ palms long, and $4\frac{1}{8}$ high, fixt together without cement. This river-like sewer discharges into the Tiber through a sort of gate in the quay; which is in the same style of architecture, and must have been erected at the same time, inasmuch as it dams off the river from the Velabrum which was redeemed from it. It was only for the Velabrum and the valley of the Circus that this Cloaca sufficed: far more extensive structures were requisite to convey into it the waters drained off from the land about the Forums and the Subura, together with what came down from the hills. And a vault no less astonishing than the one just described was discovered during the excavations in the year 1742⁹⁴⁰, passing off from the Velabrum, under the Comitium and the Forum, as far as S. Adriano, 40 palms below the present surface: the nature of the ground shews evidently that it might be traced from thence under the Forum of Augustus⁴¹ up to the Subura⁴².

The part of it however then uncovered between the Fenili and S. Adriano must be of a much later age than the Cloaca in the Velabrum: for Ficoroni, an extremely estimable authority, mentions, only cursorily it is true—but he was an eyewitness and cannot have used a wrong word here—that it was built of *travertino*: and this

⁹⁴⁰ Ficoroni *Vestigia di Roma* p. 74, 75.

⁴¹ Which Hirt and Piale have recognized in what since Donati has been called the Forum of Nerva. The vault must pass under the Arco de' Pantani: that enormous wall can never have been built directly across it.

⁴² Of which express evidence is contained in the lines of Juvenal, v. 104, 105,

Tiberinus—

Vernula riparum pinguis torrente cloaca,
Et solitus mediæ cryptam penetrare Suburæ.

B B

material did not come into use until long after the time of the kings, who employed Alban or Gabine stone. From the very first indeed there must unquestionably have been a sewer from the Subura; else the Forum could never have been constructed: but this object might be attained, though not permanently, by means of such drains as are built at present. Dionysius relates from C. Acilius⁹⁴³, who wrote after 570, that a thousand talents, near two hundred thousand pounds of our money, were once spent by the censors in improving the sewers: for sewers so built as those we now see, there could never have been any need of laying out a single as. Earthquakes, the pressure of buildings, the neglect of fifteen hundred years, have not moved a stone out of its place; and for ten thousand years to come those vaults will stand uninjured as at this day. If however in the room of an imperfect structure in need of repairs they substituted an indestructible one like that of Tarquinius, but executed with the stone then in higher esteem, this might require that sum, and yet, if carelessly related, might pass for nothing more than a reparation⁴⁴. That the waters from the valley of the Circus likewise flowed into the Cloaca Maxima, is evident: so probably did those from the Forums between the Capitoline and the river. On the other hand the drainage of the seventh and ninth regions formed a completely distinct system; and the notion that in the name of the church *S. Ambrogio in maxima* the word understood is *cloaca*, is utterly untenable⁴⁵.

Since the Esquiline was already part of Septimontium, Livy's account that Servius Tullius erected buildings and

⁹⁴³ The Vatican MS gives 'Ακίλλιον instead of 'Ακύλιον: III. 67.

⁴⁴ The period after the first Punic war, when the contribution of Carthage, amounting to above six hundred thousand pounds (Polyb. I. 63), flowed into the Roman treasury, is most probably the time at which this work was executed. We can hardly conceive that anything so luxurious as the use of *travertino* prevailed earlier.

⁴⁵ The true word is probably *porticu*.

increased the population upon it, but that the hills he united with the city were the Quirinal and Viminal⁹⁴⁶, gives a much correcter view of the gradual progress with which changes are brought about, than the statement which includes that double hill among those first taken into the city by Servius. That nothing but insulated villages stood in those days on the Oppius and Cispius, may be inferred, because in the distribution of the city into four regions Subura and the Carinæ made part of the Cælian region, not of the Esquiline*.

In a military point of view the union of the whole city was effected by the erection of the wall. The connecting the Colline region with the Esquiline was so entirely dependent upon and the consequence of such a wall, that here again Livy, who following older accounts calls Servius its builder⁴⁷, proceeds with much more consistency than Dionysius and Pliny who ascribe it to Tarquinius the tyrant⁴⁸. But whatever name it may be associated with, it was scarcely a less work than the Cloaca, and worthy to excite the astonishment of Pliny†, although

⁹⁴⁶ Livy i. 44. Addit duos colles, Quirinalem, Viminalemque. Inde deinceps auget Esquilias, ibique ipse habitat. Only he ought to have mentioned the Capitoline hill along with the other two.

* Varro de L. L. iv. p. 15.

⁴⁷ Aggere et fossis et muro circumdat urbem.

⁴⁸ Strabo does not by any means speak so distinctly in favour of Servius, as at first sight it seems: iv. p. 235. c. And the fancy that Dionysius knew it to have been his work, only forgot to mention that the wall which he attributes to Tarquinius (iv. 54) was a different one, could never have occurred except to Nardini, the corrupter of Roman topography, which before his time was much better understood. If the city was left open or weakly fortified on this side, where the Quirinal and Viminal descend by a gentle slope into the plain, it made not the slightest difference whether the Gabines hit upon this weak spot as they came along the high road, or whether, to get to it, they were forced to cross the country for half a Roman mile to the right. In a Tuscan war, as the city was covered by the Tiber and Anio, such weakness was far less dangerous.

† H. N. iii. 9.

the Colosseum had been built in his time by the incalculable riches of the empire. This mound extended from the Colline to the Esquiline gate, seven stadiums or seven eighths of a mile: out of a moat above a hundred feet broad and thirty deep—for there is no stone here, only *puzzolana*—was raised a wall fifty feet wide, and consequently above sixty high, faced toward the moat with a skirting of flagstones, and flanked with towers. But the Colline gate was situate where the Quirinal had already sunk to a flat level; and a similar wall connected it with the western steeps of that hill⁴⁹, where we may place the boundary of the ancient Sabine town.

The Viminal, at the time of its being taken into the city, seems to have been still entirely uncultivated, and overgrown with osier thickets, whence its name; as that of the Esquiline came from its oak-woods⁵⁰. This enlargement was the idea of a mind that trusted in the eternity and the destinies of the city, and was preparing a way for its advance. We are not to suppose that a regular town existed in the part near the wall till long after: but before it arose the fortified enclosure received the peasant with his cattle in time of war, and afforded a safe place of pasture, like the long walls of Athens. Besides there is singular justice in Cicero's expression, that Rome stands on a healthy spot in the midst of a pestilential country⁵¹. The air in the neighbourhood of San Lorenzo must have been just as noxious in summer then as now: nay, even between the wall of Servius and the present walls, on the Esquiline and Viminal fields, it is unhealthy; and the countryfolk then as now must have retired during the summer months into the city; so that

⁴⁹ Nibby *Mura di Roma* p. 110.

⁵⁰ From spots covered with the tallest kind of oak, the *æsculus*: see Voss on Virgil's *Georgics* II. 16. In Varro's time this hill was still full of small sacred groves: de L. L. IV. p. 15.

⁵¹ *Locum in regione pestilenti salubrem*: de Re p. II. 6.

for them dwellings were wanted⁹⁵². They may have found them on the Esquiline, as may others on the Aventine and Cælian; and this explains how it came to pass that Rome, where trade was only carried on for the mere necessities of life, and where both the burghers and the commonalty consisted wholly of farmers, had so large a compass, and yet in those days the country was not left without inhabitants. When the vintage and regular field-labours begin, the bad air has disappeared, and the peasant may again pass the night on his field: and when it returns, he has harvested his corn. On the east and south the wall of Servius seems accurately to follow the limit marked out by nature for the city: on this side no blessing has attended the overstepping his inaugurated *pomœrium*. And still the people unconsciously acknowledge his ancient Rome to be the true city: the vine-dresser or gardener about the Lateran or Santa Bibiena says, he is going to Rome, or coming from it, just as much as he that lives without the walls of Aurelian.

The mound that has been described, and such lines as it was necessary in other places to carry across the valleys, and the towers and walls at the gates which barred an ascent, were the only works raised by man: elsewhere the city was fortified solely by the steepness of its hills⁵³. When the Gauls had clomb up the Capitoline, they were in the citadel; so it cannot have been protected by any wall. The circumference of the city, a little larger than that of Athens⁵⁴, did not measure six miles: on the Janiculum there may have stood a fort: but the notion that walls came down from it and reaching to the

⁹⁵² For determining the site of such Latin towns as were destroyed in early times, the air may serve as a negative criterion: they are all to be looked for upon the hills; and no place where the countrypeople cannot live through the summer, can well have been a town 2500 years ago.

⁵³ Dionysius ix. 68.

⁵⁴ Dionysius iv. 13. ix. 68.

Tiber covered the bridge, is utterly mistaken: the bridge was out of the city⁹⁵⁵: its wall stretched from the Tarpeian rock along the Aventine, between the Circus and the river, and may still be traced where a continuous ridge of rubbish cuts across all the allies in the Velabrum.

These works and the building of the Capitoline temple declare with an irresistible voice that Rome under her later kings was the capital of a great state.

⁹⁵⁵ The proofs for these assertions, which are by no means newly taken up, will be given in another place.

THE SIX EQUESTRIAN CENTURIES.

THE increase of the senate, whereby the number of senators was raised to three hundred, is ascribed to the first Tarquinius by every writer, with the exception of one who mistakes the character of the lesser houses⁹⁵⁶. On the other hand, there are great discrepancies in the statements as to the number he introduced; with respect to which, and to my opinion that this increase was effected by admitting the third class, it would be an idle repetition for me to speak again⁵⁷.

The most difficult point however in the whole earlier history of the constitution is the formation of the three new centuries attributed to the same king: an innovation which, inasmuch as it confines itself to an extension of the Romulean constitution, is placed, in consonance to the spirit of such personifications, before the time of Servius Tullius; while it is later than the calling up of the Luceres into the senate, by which act that constitution received its complete developement. If the Ramnes, Tities, and Luceres, were in fact centuries and tribes of the houses, although the troops of horsemen were also called by the name of the tribe they belonged to; then the centuries formed by Tarquinius and named after the old ones, but as secondary to them, were likewise tribes of houses: and nothing less

⁹⁵⁶ Tacitus, xi. 25; with regard to whose statement see the text to note 1158.

⁵⁷ See above p. 296.

than the design of creating new centuries out of new houses, to stand alongside of the old ones, could give occasion to the extreme violence with which Navius opposed him, and to the miracle wrought in support of it: a mere change in military arrangements would never have met with such unbending resistance, even from the most stiff-necked of augurs. Thus much is clear, that the sovereign wished to form three new tribes of houses, partly out of his own retainers, partly from among the commons, and to name them after himself and his friends; so that there would have been six of them: nor is it less clear that Attus Navius, acting in the spirit of the old citizens, withstood the king to the utmost, and even called in heaven to his aid. Was the prince who conceived this project, really Tarquinius? or was he an Etruscan? If he yielded to the resistance of the nation, he certainly cannot be regarded as a conqueror. But in what sense are we to understand that he yielded? since he still formed three new centuries; which, being united with the old ones under the name of the six *suffragia*, outlived the constitution of the classes such as it came from the hands of Servius Tullius. And again how came it that the number of the curies still continued to be thirty, as in the original three centuries or tribes? When Tarquinius purposed to create three new tribes, he must have intended to divide these like the former three into thirty curies, and to establish that number of new ones: this however did not take place.

There are, it seems to me, only two suppositions which can help us to solve this enigma. We may assume that the original three hundred houses still existed in their full complement; and that the same number of new ones were either formed, or, being already in existence among the commons, were admitted into the body of burghers; so as to assign ten new houses to every cury, the number of the curies remaining as before, but, inasmuch as each cury was now twice as numerous, only five curies

instead of ten being reckoned to a century, which even in this manner would still consist of a hundred houses.

It is much more probable however that, when the alteration took place, the original number of the houses had long since fallen short: for every exclusive aristocracy, which omits to replace such houses as become extinct, dies away; and that too with precipitous rapidity, if it be strict in insisting on purity of descent; so that it must sink into an oppressive and hateful oligarchy⁹⁵⁸. Now supposing that some half of the houses were become extinct, that every cury on an average no longer contained more than five, then, if the remainder amounting to about a hundred and fifty were collected together into half the number of the original curies, and the vacant fifteen were filled with newly adopted houses, the ancient proportion of ten houses to a cury remained undisturbed.

And this latter hypothesis is confirmed, and almost establisht, by the statement that Tarquinius doubled the senate, raising the number from 150 to 300; just as the doubling the cavalry and the centuries is ascribed to him. Only here two changes are confounded, between which a

⁹⁵⁸ Let any one compare lists of the families of freeholders in any German province several hundred years ago and at present. Formerly they were a considerable portion of the whole free rustic population: how many in a hundred are there now in the same province? where a part of the gaps has not been filled up by families of strangers settling amongst them, or by the rise of new families from among the old inhabitants. And after all what has been filled up has been no more than a small part. Among the ancients in the common course of things a replenishment of this sort was impossible.

There are oligarchs who regard the share of the aristocracy in the administration of government as a *tontine*, where the total property belonging to the survivors continues unchanged, and every individual finds himself all the better off, the more of his comrades have died away.

In Zealand the nobles were become wholly extinct; in Holland they were so within four or five families; the free peasantry in northern Holland were not admitted into the states: hence the towns of necessity acquired exclusive possession of the government.

considerable interval would probably elapse. If every house had a member to represent it, the senate of the first two estates, after many of the houses had become extinct, can no longer have amounted to two hundred; and the third estate also must have been unable to depute a hundred senators, long before its council was incorporated with the supreme one. The calling up of the Luceres therefore would be far from raising the senate to three hundred, as would have been the case if the complement of houses had been full: and, without weighing the numbers too minutely, we may combine the two statements, which represent the senate, the one as having been increased by a hundred, the other as having been doubled: the former being effected in conformity to the original plan of the constitution, the latter by creating the three new centuries. The first of these measures must have been the earlier, but the second too must have preceded the legislation of Servius.

One might strain ones ingenuity in considering whether the new equestrian centuries were not more likely than those of the third estate to be called the lesser ones. In such dim twilight all appearances are deceptive: I rather incline however to believe that each of the additional centuries shared in the honours of its elder namesake; because the colleges of priests continued to be filled exclusively from the two superior estates, each of which appointed two, corresponding to its two centuries. In like manner all the six centuries were represented by the six Vestals*.

Instances are not proofs, but in history are scarcely of less force; above all where they exhibit a parallel in the progressive developement of institutions. The following is the history of a constitution consisting of curies and houses, which will shew that the changes and developements pointed out in the foregoing remarks

* See above, p. 297.

are not arbitrarily devised: and since the place where this constitution existed is intimately connected with our classical recollections, the account of it is by no means alien to this work.

It was a pleasing thought of the Neapolitan jurists, that the *seggj* of their native city had arisen out of the Greek phratries: and if it was a delusion to derive the old and perplexing name of those bodies, *tocchj*, from the Greek *θῶκαι*, yet it is hard to keep oneself from being led astray by it. At all events however that derivation must not pass for more than a venerable reminiscence: for substantially all we can expect to find in Naples under its dukes, as in all the other free cities dependent upon the Roman throne at Constantinople, is a constitution arising out of the municipal institutions of the western empire, an *ordo* and *possessores*. These proprietaries, whose nobility consisted, like the *εὐγένεια* of the Greeks, in hereditary birth and hereditary wealth, were registered according to their lineage in *tocchj*, which were connected with particular districts of the city, and were of two kinds. Of the great *tocchj*, according to the earliest mention of them, there were four, to which two were afterward added: the number of the lesser cannot be determined, since they are only spoken of incidentally. The former may be compared to the tribes, the latter to the curies; with this difference, about which there can be no question, that both were open to receive new citizens. *Tocchj* was the ancient name for their places of assemblage or chambers, their *curies*; but under the kings of the house of Anjou they obtained that of *seggj*.

These kings, who pursued a system of grounding their usurpation on feudality and a military nobless, changed the character of the Neapolitan citizens, by their readiness to bestow knighthood on such as were well-born or even rich: and since the foreign nobles who resided in the capital, took care to be enrolled in the *seggj*, the consequence was, that, at the time when everywhere else the

power of the noble houses in the towns was sinking, at Naples an aristocracy of houses was introduced. The newly admitted citizens must have entered immediately into the six great *seggj*: for the lesser all gradually disappear; because, as is expressly stated, the few families that were left in them became extinct.

Thus only the six great *seggj* remained: and these by the union of two were reduced to five; probably with a view of giving the vacated one to the commonalty, against whom the tribes on becoming noble had been shut; and who in this country could not succeed in establishing anything like corporate institutions, while the kings were in need of their assistance against the turbulent nobility.

The five noble *seggj* were not absolutely closed: but the reception even of noblemen into them was so obstructed, that the number of families in them continually lessened; while there was a continual increase of the nobles who resided in the city without being admitted among the members, and yet were superior to many of them in rank and honours. This is the parallel to the state of things I conceive to have existed at Rome, when the reformer, whom we call Tarquinius Priscus, was desirous of forming new tribes. The last-mentioned families made interest with the Spanish kings that they would vouchsafe to erect a new *seggio*: but, wretched and paltry as were the privileges of a Neapolitan patrician, the jealousy of the oligarchy opposed their reasonable request, and yet was just as unwilling to receive them and distribute them among the existing *seggj**. But in course of time it gave way in single exceptions; and thus things went on, until the revolutionary government of 1799 got rid of the *seggj* and *eletti*, and the restored one availed itself of this riddance, no less than of that of every other corporate institution which presented even the shadow of a limit to its arbitrary will, as so much gain to itself. Indeed

* Giannone xx. 4.

this municipal constitution had long since become so worthless and open to abuse, nay mischievous, that neither did its venerable origin excite interest at the time of its abolition, nor is its loss now felt.

Every person had a vote in a *seggio*, who belonged to any patrician family enrolled in it, whatever his residence might be; and in fact this institution was far more a representation of the barons of the whole kingdom, than of the citizens, or even the nobless of the city.

Had Naples been the capital of Campania alone; had its constitution lived and grown, enlarged and completed itself, in that case the *ottine* of the people would have become plebeian tribes, in the same way in which the Roman commons obtained a constitution, and thereby multiplied the vital energies of the republic.

THE COMMONALTY, AND THE PLEBEIAN TRIBES.

IN every state the constitution of which has been grounded on a certain number of houses, a commonalty⁵⁵⁹ has grown up or subsisted by the side of the burghers or the freeholders. The members of this commonalty were not only recognized as freemen, but also as fellow-countrymen: they received like succour against foreigners, were under the protection of the laws, might acquire real property, had their motives for making by-laws and their courts, were bound to serve in time of war, but were excluded from the government, which was confined to the houses⁶⁰.

The origin of such a commonalty, though admitting of many varieties, in cities mostly coincides with that of the rights of the pale-burghers; of the dwellers within the pale or the *contado*⁶¹: but it increased in extent and still more so in importance, when a city acquired a domain, a *distretto*, containing towns and other small places. The inhabitants of such a domain were sometimes taken in a mass under the protection of the law and admitted to the rights of freemen; more frequently this was

⁵⁵⁹ *Il commune*. When a number of such commonalties exist in a larger state, along with the ruling part of the nation, they are *les communes*, the commons.

⁶⁰ This was also the condition of the proselytes of righteousness in Judea. Those of the gate answered to the metics.

⁶¹ Like the English *pale* in Ireland, before James the First. In Germany they were called *pfahlbürger*, *pale-burghers*, which in French was distorted into *fauxbourgeois*.

done for such as removed into the city: these would be persons of very different rank, gentle and simple. In like manner freemen out of such foreign places as were connected by a community of civic or national law, and bondmen who obtained their freedom with the consent of their lords, were received into the commonalty: so that, from the variety of elements it contained, its name was fully justified by its nature.

Now since among the ancients civic trades and commerce were in low repute, while agriculture was in the highest; whereas during the middle ages the scale of their estimation was directly reversed; it came to pass that in the former period the commonalty was often made up of the inhabitants of the domain; in the latter on the other hand the neighbouring country was seldom admitted to a fellowship of rights, but within the walls there grew up a commonalty of artisans and tradesmen of all sorts. These were impelled by a feeling of their necessities to unite in companies, which in consequence of their local compression developed such a force as was not to be found among the rural population: but owing to this peculiarity in their nature, the revolutions by which the commons gained the upper hand in the middle ages, had an entirely different character from that of those whereby the *demus* or the *plebs* among the ancients acquired first freedom, and then the superiority in the state: the consequences too were entirely different. The government of the traders and manufacturers made the free cities unwarlike, as Machiavel remarks with regard to Florence; that of the countrypeople made them bold and firm, as was the case at Rome.

As opposed to the houses, the *demus*, the *plebs*, and the commonalty are the same thing, and of the same kind: in order however to form a picture of what the plebeians were, and of the station they occupied alongside of the citizens, let the reader take—as an easily intelligible instance from among a multitude—the territory of Zurich,

before the change which brought the government into the hands of the guilds, when it equalled the present canton in extent, and with its nobles, its free peasantry, and its countrytowns, constituting a compact whole, was inseparably attached to the city, in such a manner that while the houses formed one part of the state, the free members of the commonalty in the city were united into one body with the countryfolks*.

Still this difference between a civic and rustic commonalty does not destroy the parallel in the history of the free constitutions during the two golden ages of cities. In both ages it is the history of the conflict between the privileged houses and the commonalty: the latter, feeling that it is come of age and ripe for a constitution and a share in the government, (*isonomyia*); the former striving to keep it in subjection and servitude. The struggle was unequal; for a spreading growing power encountered one that was pent in and dwindling away: nor has anything but the prudent use made of some casual advantage gained by open force, or of some disaster, turned the scale against the commonalty, wherever this has been the result. Such a victory of the privileged houses was the worst thing that could happen; for then they always degenerated; and beneath their unlimited power the commonwealth went morally and politically to decay, as has been seen at Nurenberg. Where the disputes came to an amicable adjustment by a compact and the establishment of a balance, they were followed by happy times; which might have been of

* See Müller's History of Switzerland Book II. chap. 2. The reader may find much light thrown on these interesting questions in the third volume of Hüllmann's *Geschichte des Ursprungs der Stände in Deutschland*; in Eichhorn's *Deutsche Staats und Rechtsgeschichte*, especially in sections 310—313, 431—434; and in a dissertation on the origin of the constitutions of the German towns by the same Eichhorn in the first and second volumes of Savigny's *Zeitschrift für geschichtliche Rechtswissenschaft*.

long continuance, if the aim of the aristocracy had been to renovate and thus to prolong its existence; whereas when it contracted itself and shrivelled up into an oligarchy, it became impotent as opposed to the buoyant vigour of life. Often the conflict was waged with great ferocity, in cases where stubborn arrogance refused to make room for the rights of the power that was coming into being⁹⁶², or rather already existed; nay mounted the higher in its pretensions, the more it ought to have lowered them. On the other hand the houses frequently yielded almost without resistance: as in the thirteenth and fourteenth centuries the constitutions of many Italian and German towns were changed with mutual goodwill, after the example set by some of the great cities.

A government conducted by privileged houses, so long as they are still numerous, and actually the powerfulest purest and noblest part of the community, is the original idea of an aristocracy: the predominance of the commonalty is what at first was denoted by the name of democracy. In later times the primitive simple meaning of the two words had fallen into oblivion; and it was then attempted to define them from some of their accidental properties. In Aristotle's time aristocracies in the genuine ancient sense were hardly to be found, here and there one: such as had not become democracies had long before shrunk up into oligarchies: the same power as their ancestors had exercised was now exercised by a much smaller number over a commonalty which was become greatly more numerous and important; and in proportion as the latter felt its dignity and its rights, and the disparity became glaring, the power was wielded distrustfully, rancorously, with the set purpose of stifling what was growing up. When legislators however wished to escape from a democracy, in the sense then assigned to it, they, like those of our

⁹⁶² *Das Recht des Werdenden* it has been called by a Swiss writer, Troxler.

times, knew of no other expedient than to take property for a standard; a measure which the philosophers judged to be utterly condemnable and oligarchal. The union of an aristocracy in full vigour with a commonalty was by them esteemed the justest and wholesomest constitution: this they called a polity, the Italians in the middle ages *popolo*.

But the great difficulty in human institutions is to ward off the approach of numbness and of decay. It mostly happened that even a polity, where it was established, nay often that a complete democracy so fenced itself in, that a body of freemen sprang up by its side out of new elements appertaining to the commonwealth; which body was essentially a commonalty, just as much so as those who had attained to an equality of rights; only it did not bear the name; a body of free peasants or handicraftsmen, who were kept in the background, and whose exclusion, if their strength became considerable, was quite as injurious to the state, or at all events quite as unjust, as that of the others. The most signal and momentous example of this is afforded by the later ages of the Roman republic: its ruin arose from a stoppage in that developement of its political system, which by the admission and elevation of the commonalty had made the state powerful and glorious; from the Italian allies not being invested one after another with the Roman franchise. Instances on a smaller scale may be found in every state by which a new territory was acquired: the Bœotian districts which made a transfer of themselves to the Athenians, enjoyed the advantages resulting from a community of laws; but their citizens did not become citizens of Athens: the territories subject to the Swiss towns had a like claim to civic rights as the guilds had had some centuries before: and in my native Ditmarsh the Strandmen, whom the archbishopric of Bremen made over to the republic, when the aristocracy of the houses had ceased to exist, were a commonalty; which had no voice in the public assembly, and no privileged houses.

The *demus* in Attica, in the state Solon found it in, was a commonalty formed by the inhabitants of the country, divided no doubt and ranged even then into *demes* or wards⁹⁶³; and contradistinguished from the houses: the parties which it split into, and which the *eupatrids* induced to engage in their feuds, corresponded to the local character of the land. The members of these *demes* were those among the posterity of the ancient Atticans who had preserved their freedom, and had not been degraded into *thetes*, either by violence at the Ionian immigration, or subsequently by distress and the sale of their own persons. In the constitution of Clisthenes this *demus* was already become predominant in the state.

The Roman commonalty, the *plebs*, arose like others out of a medley of elements, as it was by incorporating such that it supported and immensely enlarged itself. Even in the original three towns a commonalty must from the first have begun to form, out of such persons as were received under the protection of the law, and of clients, as well those who were free hereditarily, as those whose bondage had expired by their emancipation with their patrons consent, or by the extinction of his race. This commonalty, had it continued alone, would never have risen out of obscurity: on the contrary the destination of the civic tribes in later times to receive such citizens as were of servile descent is to be accounted for from this being their origin. The genuine, noble, great *plebs* takes its rise from the formation of a domain out of the towns won from the Latins. In the accounts of the conquests made by the first kings it is stated that many of the conquered places were converted into colonies, that the others were destroyed and the inhabitants carried to Rome; where they, along with the citizens of the colonies, received the Roman

⁹⁶³ In the fragment of the laws of Solon, l. 4. D. de collegiis (XLVII. 22), *δημος* is used for a corporation.

franchise⁹⁶⁴. With regard to the origin of the plebs of king Ancus however, we are to suppose that after the destruction of Alba a portion of the Latins were ceded by a treaty adjusting the claims of Rome and Latium, and thus were placed in a like relation of affinity to Rome⁶⁵. The names of the conquered places given by the historians rest on no sufficient authority; nor can it be anything but an accident that they are all Latin towns: whatever people these new members of the state may have belonged to, their collective body formed a commonalty. Their franchise resembled that which in later times was citizenship without a vote; for a vote could not be given except in the curies: but their condition was worse than that of those who afterward stood on this footing: for they could not intermarry with the patricians, and all their relations with them were uniformly to their prejudice. Nevertheless these new citizens, scantily as they were endowed with rights, were not made up then, any more than in later times, merely of the lower orders: the nobles of the conquered and ceded towns were among them; as subsequently we find that the Mamili, the Papii, the Cincii, the Cæciliæ, were all plebeians.

Now that the plebeian commonalty arose out of the freemen thus incorporated with the state, is sufficiently proved by the tradition that Ancus assigned habitations on the Aventine to the Latins from the

⁹⁶⁴ This state of things was not unknown to Dionysius; only he saw it in the Annals through a mist and in a wrong place; to wit, after the death of Romulus, during the feud between the Ramnes and Titii: II. 62. Hence he makes a distinction there among the patricians, between the κτίσαντες τὴν πόλιν and the ἔποικοι: saying however at the same time, that among the demus many of those who had been recently admitted into the nation, that is, the inhabitants of the conquered towns to whom Romulus had granted the Roman franchise, were discontented because they had not received any land. Here we see the plebs, vainly demanding its share of the *ager publicus*, and what was its origin.

⁶⁵ Above p. 349.

towns which had become subject to Rome: for this bill was afterward the site of what was peculiarly the plebeian city. The statement indeed that they were conveyed thither is not historical: it is impossible that such an enormous population should have been amassed at Rome, so as to be prevented from cultivating its remote estates. Those who chose to settle there had the Aventine allotted them as a place for a suburb where they might live apart under their own laws: far the greater portion staid in their home: but their towns ceased to be corporations. The territory of a place that had been taken by storm, or had surrendered unconditionally, belonged by the Italian law of nations to the state: a part of it continued to be public property, and was turned to account by the patricians for themselves and their vassals: a part fell to the share of the crown: the rest was parcelled out and assigned by the kings to the old proprietors, in their new capacity of Romans. Often probably the confiscation did not extend beyond the public domain.

Here I will merely suggest the notion, leaving it to rest on its own merits, that, as in a much later age M. Manlius was looked up to by the collective plebeian order as its declared patron, so at the first beginning of the commonalty the kings were its patrons. At all events it is a gross error, which leads us to frame the most unjust judgements, to suppose that the plebeians sprang out of the clients of the patricians, and consequently must have been insurgent hereditary bondmen. That the clients were total strangers to the plebeian commonalty, and did not coalesce with it until late, when the bond of servitude had been loosened, partly from the houses of their patrons dying off or sinking into decay, partly from the advance of the whole nation toward freedom, will be proved in the sequel of this history: and the most decisive expressions on the point will be quoted from Dionysius himself; for, though it is true he has distinctly conceived that erroneous notion, yet in his details he

copies the old Roman annals, in which the correct view of the relation had not been lost*. Certain as this is, it is no less so that, whatever may have been the form of the connexion between the commonalty and the kings, they protected it against the oligarchy⁹⁶⁶: undoubtedly they could not fail to perceive that the plebeians in a continually increasing proportion formed the most important part of their military force; that on them all the hopes of the future rested; and that the only way for Rome to become great and to continue so, was for its laws to sanction and promote the growth of a great Roman people out of every people of Italy.

The existence of the plebs, as acknowledgedly a free and a very numerous portion of the nation, may be traced back to the reign of Ancus: but before the time of Servius it was only an aggregate of unconnected parts, not a united regular whole. The natural division for a rural commonalty was into districts; and such a one we find at Rome as well as in Attica⁶⁷. In its principle, like the division of the houses, it was adapted to the state of things already existing; but in like manner it did not merely collect the elementary parts such as it found them one beside the other, as chance had determined their number and variety: the territory was portioned out into a fixed number of districts; in some of which perhaps such lines of demarcation as before subsisted might be preserved unchanged, but the majority must have acquired a new form during the process of separation and reunion. When Clisthenes divided the people of Attica into a hundred demes⁶⁸, it is evident that he proceeded in this

* See below notes 1306—1316.

⁹⁶⁶ As the statholders protected the citizens in the Dutch towns against the oligarchal magistracy.

⁶⁷ φυλαὶ τοπικαί: see above note 787, p. 301. Lælius Felix in Gellius, xv. 27: comitia tributa esse cum ex regionibus et locis suffragium feratur.

⁶⁸ Herodotus v. 69. The certainty of this statement is no way shaken by our meeting with more than a hundred names in after times. For in the first place there was nothing to hinder the forming fresh

way: demes he found already there, but such a number can never have been the work of chance. Servius too, who distributed the Roman plebs into a determinate number of tribes, assuredly did not bind himself to observe such relations as previously existed, the remains of which can only have continued to endure in some of the *pagi*. In process of time however, as has been remarked above, this local distribution transformed itself into a hereditary one according to families⁹⁶⁹: for if a person removed from Acharnæ to Rhamnus, he still continued an Acharnian, belonging to the phyle Oeneis, and so did his posterity for ever.

demes, by subdividing old ones, or by incorporating new districts: next, the lexicographers unquestionably often give the name of a deme to what was in fact a house: and lastly, at Athens too it was only in the course of time that the patricians were received into the ten tribes, and, when they were so, many houses may perhaps have entered in their corporate capacity, so as to form entire demes.

⁹⁶⁹ See pp. 302. 303. In modern history I know no instance of the same kind in a democracy, except in the canton of Schweitz, where, until the revolution, the sovereign estatesmen were distributed into six quarters, four of them original, and two additional ones. These quarters had local names; but it was not the dweller in a place, for instance in Arth, that belonged to the quarter of Arth; but he whose ancestors had been registered there. *Fäsis Erdbeschreibung*, vol. II. p. 245. This order of things must now have been reestablished in substance, though modified in its application, because that part of the population of the canton which was formerly in a state of dependence, must have been admitted into the quarters. In an aristocratical constitution, the abovementioned *Seggj* at Naples unquestionably furnish a like example: and the same principle must have prevailed with regard to the noble houses in the towns of Lombardy and Tuscany, which were registered according to their quarters, if any of the members left their hereditary strongholds, which however can have happened but seldom. One who is carrying on an inquiry into the history of the constitutions during the middle ages, ought not to overlook the hint contained in the circumstance, which assuredly is not mere chance, that in Schweitz the estatesmen, at Florence, and also at Naples, the burghers, were at first divided into four parts; to which afterward, in the former case owing to the enlargement of the territory, in the latter to that of the city, two others were added; as the third tribe was at Rome. Ditmarsh too was divided into four *Dæffte*: the Strandmen never formed one.

Only doubtless there was a possibility at Athens, on shewing valid grounds for such an application, of migrating into a different phyle: and the Roman censors, who at least in the later times of the republic often changed the tribe of a citizen at discretion, must always have had it in their power to comply with requests for transfers of this sort, when made with regard to tribes enjoying an equality of rights. An incomparably more important distinction of these local tribes however was that they were not closed against new members; that, when an inferior franchise was established in the place they had previously occupied, all such as appeared to deserve it, and even whole districts at once, might be elevated from this and admitted into the plebeian tribes, and that patricians themselves could enter into them.

Every local tribe had a region corresponding to it⁹⁷⁰; and all the free substantial members of the Roman state, not included in the houses, who were dwelling within the limits of any region when the constitution was introduced, were registered as its tribesmen. The region bore the name of the tribe⁷¹; whether it was in the city, or in the country. In the former, until Augustus divided the city according to its increased size and the exigencies of his time into a greater number of regions, the four established by Servius were retained: they answered to the four civic tribes⁷²; and with regard to these there is no difference

⁹⁷⁰ See the passage of Lælius Felix quoted above in note 967; and that of Varro below in note 974.

⁷¹ Livy xxvi. 9. In Pupiniam dimisso exercitu. See also the explanations of the names of the tribes in Festus.

⁷² Three of these answered each to one of the three original towns, the commonalty of each of which accordingly formed a tribe: with regard to the Palatine and Colline this is clear: in the Suburan region the most prominent feature was the Cælian hill, as Varro says de L. L. iv. 8. The rank of these however was the reverse of that of the patrician tribes: the commonalty of the Luceres became the first, that of the Ramnes the third; for which assuredly there was a reason. The Esquiline seems also to have belonged to the liberties of Lucerum; but the settlement upon it is described as formed by genuine plebeians,

of opinion. As to the number of regions however into which the Roman territory was parcelled out at the establishment of the plebeians as an estate, and consequently as to the number of plebeian tribes originally instituted, Dionysius found totally contradictory statements: and Livy must have held the difficulty to be completely inexplicable; so that he confined himself to mentioning the civic tribes, and that too in such a manner, as if none but these had been established by Servius. When in the *Annals* for the year 259 he found, and himself copied, the statement that the tribes were now augmented to one and twenty, he probably assumed, if he took any thought about earlier times, that Servius had divided the Roman territory into sixteen regions.

Before his time a better informed person, even Cato himself, had left this point equally undetermined: and the cause of his doing so is plainly, that a greater number than twenty seemed irreconcilable with that of the year 259, which was placed beyond dispute by the subsequent gradual increase; while his good sense and honesty would not allow him to assert that twenty was the original number, in direct opposition to the older *Annals*, and doubtless also to the books of the augurs and pontiffs. How the tribes increased from twenty upward was to be found related everywhere; and Vennonius, who ascribed the establishment of the whole five and thirty to Servius, is a person almost utterly unknown, and betrays unparalleled ignorance and carelessness.

whether by the Latins and Hernicans in the time of Tullus (see *Festus* v. *Septimontio*), or whether it was founded by Servius: it lay however within his *pomoerium*, and consequently was comprehended within the ceremonial worship of the patricians, and like the other three civic tribes stood on a less honorable footing. Thus the number seven, which is perpetually recurring in the local division of the city, (see above n. 934), we again find here within the *pomoerium* of Servius: three districts are counted twice over, once for the patricians, the other time for the plebeians; the seventh was a mixed district, being also the site of the *Vicus Patricius*.

But Dionysius quotes a statement from Fabius, that Servius had divided the Roman territory into six and twenty regions; so that with the four civic ones there would have been thirty, and the same number of tribes⁹⁷³: and that this singular account in Dionysius may be depended upon, is attested by a fragment of Varro, wherein some person, not named, is said to have apportioned land around the city to the free citizens in six and twenty regions⁷⁴; which surely can only refer to Servius Tullius and his tribes. Now every one will perceive the striking internal probability that the number of plebeian tribes should be thirty; because the patricians and the Latins, between whom the plebs stood as an intermediate body uniting the two, were both divided into thirty corporations:

973 The passage of Dionysius (iv. 15,) is so important and in such complete disorder, that I will transcribe it as it ought to be written, at the same time justifying my corrections. Διείλε δὲ καὶ τὴν χώραν ἅπασαν, ὥς μὲν Φάβιος φησιν εἰς μοίρας ἕξ καὶ εἴκοσιν, ἃς καὶ αὐτὰς καλεῖ φυλάς, καὶ τὰς ἀστικάς προστιθεῖς αὐταῖς τέτταρας, τριάκοντα φυλάς ἐπὶ Τυλλίου τὰς πάσας γενέσθαι λέγει· ὥς δὲ Οὐεννώνιος ἱστόρηκεν, εἰς μίαν καὶ τριάκοντα φυλάς· ὥστε σὺν ταῖς κατὰ πόλιν οὓσαις ἐκπεπληρῶσθαι τὰς ἔτι καὶ εἰς ἡμᾶς ὑπαρχούσας τριάκοντα καὶ πέντε φυλάς. Κάτων μέντοι, τούτων ἀμφοτέρων ἀξιοπιστότερος ὢν, οὐχ ὀρίζει τῶν μοιρῶν τὸν ἀριθμόν. Instead of copying the passage from the printed text for the reader to compare the two, it is enough to refer to it; and I need only remark, that I have inserted the addition found in the manuscript of Bessarion, which is probably contained in all the others; and that the change I have made is confined to transposing the words, except the omission of καὶ before τριάκοντα. The emendation suggested by Sigonius transposes two clauses; mine in fact only one: and his would force us to substitute λέγων for λέγει. The whole corruption arose from the words Κατ. μ. τ. ἀμφ. having been forgotten, and then added in the margin; but as this would not hold the four words, the last was written above the other three: hence the next scribe who replaced the passage in the text, but in the wrong place, thought ἀμφοτέρων was to stand first.

74 Varro de vita pop. Rom. i. p. 240, from Nonius Marcellus c. i. v. viritim. Extra urbem in regiones xxvi agros viritim liberis attribuit.

may this probability is so great, that, if no statement of the kind were preserved, and we were only left without anything to contradict this number, analogy would lead us to take it for granted. The sole objection is, that, at the admission of the Crustumine tribe, the number then existing was only twenty.

This difficulty may be solved by considering that there was an essential and necessary correspondence between the regions and the tribes: and as the registering or the assigning landed property within any district formed the groundwork of a local tribe; and voting by regions was the same with voting by plebeian tribes; so likewise a tribe must have ceased to exist, when the state was compelled to give up the region that was its basis. The Eleans for instance had twelve phyles: but when they lost a part of their territory to the Arcadians, along with the demes comprised in it, the number of phyles left was only eight⁹⁷⁵. That the Romans in the treaty with Porsenna were forced to cede the territory on the Etruscan bank of the Tiber is acknowledged; and I shall shew how utterly destitute of historical foundation is the tale of its being restored to them by an act of romantic generosity. Now we frequently find, both in the legends of the oldest times and in the more genuine history of Rome, that a vanquished people was compelled to give up a third part of its territory to the conqueror: if such was the measure adopted by Porsenna with regard to Rome, it would explain how it came to pass that just a third of the original

⁹⁷⁵ Pausanias *Eliac.* i. c. ix. These local tribes in Elis are an instance of the manner in which a rustic population grew in time to form a commonalty, and the commonalty united into one people with the citizens. During the Peloponnesian war the sovereignty still belonged to the city of Elis, and the neighbouring country was in a state of dependence. It is also remarkable enough, that afterward, just at a time too of the greatest distress, the senseless oligarchs strove again to rob the inhabitants of the country of the rights that had been conceded to them.

tribes disappears⁹⁷⁶. Had the Annals confessed this diminution, the humiliation and fall of Rome would have been manifest in its whole extent; and the empty fable of the speed with which it recovered from its misfortune would have been laid bare⁷⁷.

It is worthy of remark that these tribes do not correspond in number with the tribes of the patricians, but with their subdivisions, the curies: this leads us to question whether their name may not originally have been a different one, and whether ten of them were not requisite to make up a plebeian tribe; so that at first there would be three such, which subsequently sank to two. This

976 See below notes 1093. 1215. 1222. Those who lost their property in consequence would be admitted into other tribes, if they removed to Rome: if they staid on their land, they became aliens to Rome and clients to the new lords of the soil: as the Irish became farmers of the estates which had been the property of their forefathers.

77 It will not be a waste of labour to determine what were the tribes that remained out of the original thirty. The four civic ones according to their rank were the Suburan, the Esquiline, the Colline, and the Palatine: the rustic tribes arranged alphabetically were the Æmilian, Camilian, Cluentian, Cornelian, Fabian, Galerian, Horatian, Lemonian, Menenian, Papirian, Pupinian, Romilian, Sergian, Veturian, Voltinian: the complement of sixteen was made up by the Claudian. Not that there was a Claudian tribe from the beginning; but I must here anticipate the conjecture that it was substituted in the room of a Tarquinian tribe, which, like the Tarquinian house, was done away with: see the text to note 1236. The Crustumine is indeed older than all that were constituted after 259: but since it differs from all the rustic tribes in this list both in the termination of its name and in that name being a local one, it must no doubt have been the twenty-first, which was established after the treaty with Latium,—the first of a new order of things, by which the ten lost tribes were to be replaced. The *Pollian* is without doubt the same with the *Poblilian*, one of the later tribes; just as *mollia* and *mobilia* are the same word—*oscilla ex alta suspendunt mollia pinu: pilentis matres in mollibus*—otherwise there would have been thirty-six, instead of thirty-five. For a Veientine tribe the only authority is a corrupt reading, which has now been expunged on the authority of the good manuscripts, in the speech pro Plancio 16(38); where the right word is *Ufentina*.

conjecture is favoured by our finding that the commonalty at the Crustumine secession had two tribunes to direct it; and that afterward, when the consular power was transferred to military tribunes chosen out of the two orders, their regular number seems properly to have been six, three for the patricians according to their tribes, and three in like manner for the plebeians. But in this latter case the intention may only have been that, the number of the patricians being given, they should have an equal number of plebeian colleagues: and in the former, since twenty were too many to guide a people in a state of insurrection, as well as for taking prudent counsel, each decury of the tribunes may have appointed a delegate: indeed why should not they, like the decuries of the senators, have had each a leader, who was to come forward on such occasions? In fact there is an express statement that the plebs at the second secession had twenty tribunes divided into two decuries, who had to appoint two chiefs⁹⁷⁸. The votes of the curies being those which were told in the assembly*, the tribes of Romulus had sunk into insignificance; nor do we meet among the Latins with any trace of a division standing higher in the scale than that into thirty towns.

A phyle must needs have a phylarch, and so must a tribe have a tribune: if Dionysius confines his statement to the civic tribes, when he says that Servius appointed a tribune over each of them to inspect the condition of every household, and that troops and taxes were levied according to the same division⁷⁹, his sole reason for this

⁹⁷⁸ Livy III. 51. *Decem numero tribunos militares* (this is an accidental mistake) *creant in Aventino—Icilius eundem numerum ab suis creandum curat.—Viginti tribunis militum negotium dederunt, ut ex suo numero duos crearent.*

* Above p. 327.

⁷⁹ Dionysius IV. 14. Ἡγέμονας ἐφ' ἐκάστης ἀποδείξας, ὥσπερ φυλάρχους, οἷς προσέταξεν εἰδέναι ποίαν οἰκίαν ἕκαστος οἰκεῖ.

limitation is that he knew not what to make of the rustic tribes. This charge of inspecting, making inquiries, and reporting, was repugnant to the spirit of later ages, which, as the peculiarities of character became more varied, needed and exacted a larger scope of freedom : but it was only this portion of the tribunes office that became extinct ; the *tribuni ærarii* who lasted until the end of the republic, seem to have been merely the successors of the original tribunes. When the Roman people had become exempted from all taxes, the main part of their business as collectors was at an end : but they continued to exist, and to have an oath administered to them, and they were called by the Aurelian law to the exercise of judicial functions, as representing the body of the most respectable citizens*.

That these tribes at first comprised only the plebeians, and that the patricians and their clients were not enrolled in them till much later, will be made to appear in the sequel of this history. For the present I will remind the reader that the assembly of the tribes was the scene where the tribunes of the people were supreme ; that it was never convoked by a patrician magistrate ; that, when it met, the patricians and clients had to withdraw from the forum : that the centuries were instituted to mediate between the two bodies and to unite them, and so would otherwise have been needless. True, it is stated that the Claudian tribe was formed by the clients of that house : but in the first place this is very far from certain ; and besides it would not have been a greater deviation from the principles of the constitution, than the receiving the Claudii among the patricians, that is, into the three tribes, instead of the exiled house of the Tarquins. The establishment of that tribe may perhaps have been an experiment whether the ten that were extinct could not be gradually replaced by new ones formed out of the clientry†.

* See Duker on the Epitome of Livy xcvii.

† See the text to note 1236.

I will here meet an objection, which might possibly be raised, at least some time or other hereafter, by a vigilant reader. So long as it had never been questioned that these tribes were a general division of the whole nation, as those of Romulus were also supposed to have been previously; nor moreover that the houses were families according to our notions; every one who remarked that some of the tribes, the Æmilian, Cornelian, Fabian, bore the well-known names of the most eminent patrician houses, thought no doubt that this must be owing to their having had the honour of containing such a house along with its clients. To me this circumstance rather seems to explain how the names of the houses themselves originated. An Athenian of the Æantid phyle did not believe himself to be descended from Ajax; or a Formian from Æmilus: these were only eponyms, honoured by the tribesmen as their common guardian spirits. Just as little can the Cæcili, so long as the original idea was not utterly lost sight of, have carried back their pedigree to Cæculus, the Fabii to a Fabus or Fabius, the Julii to Iulus. Wherever a house and a tribe bore the same name, it may be assumed that both were so called in the same manner after the same *indiges*; and that both performed sacrifices to him, as to a patron of a higher order⁹⁸⁰.

⁹⁸⁰ Such is *Clausus* in Virgil, *Æn.* vii. 707: *Claudia* nunc a quo diffunditur et tribus et gens Per Latium: he is no more the progenitor of the one than of the other. Such accurate information does Virgil display even on this point. Much of what he gathered together after the manner of the Alexandrian poets, from regions seldom visited, passes for his arbitrary invention, and as such is even censured as faulty. When he introduces the eponyms of the Sergian and Cluentian tribes among the Trojan followers of Æneas (v. 121—123), and thus revives the recollection of an ancient belief, which it is likely he may have met with in Nævius, a reader of the present day fancies he meant to pay a stupid compliment to some Sergius and Cluentius; men of high rank; though no such names are to be found among the persons of influence in his day.

That the tribes of Servius were plebeian⁹⁸¹, is proved at least in substance by Varro's connecting their institution with the assignment of landed property. The nature of the right to enjoy the profits of the national domains by possession, and of the right to an assignment of property therein, requires to be separately and fully developed. For the present I will merely observe, that the former originally belonged to the patricians, who after receiving lands invested their clients with them; the latter exclusively to the plebeians: that, in other words, with the exception of the country under the city-walls, all landed property, strictly speaking, was in the hands of the plebeians alone: that all the assignments of land were in their favour, and were a set-off for their share in the public domains; that consequently, where general assignments of land are spoken of, they are almost always expressly mentioned as the receivers; and that, where this is not the case, the same restriction must assuredly have existed⁹². The earlier assignments to the freemen, such as are ascribed to the Sabine kings, Numa and Ancus, had recognized the rights of men belonging to a commonalty which had not yet assumed the form of an estate; and by the assignment under Servius the plebs was established in its distinctive character of free hereditary proprietors.

From this time forward the Roman nation consisted of

⁹⁸¹ The abstract substantive from *plebs* is *plebitas*, or, according to the old spelling, *plevitas*, which Nonius quotes as used by Cato and Cassius Hemina: *De hon. vet. dictis*.

⁹² Dionysius speaks of a twofold assignment under Servius; one just at the beginning of his reign; and another after the close of the Etruscan war, which he represents to have lasted twenty years, out of the conquered territory. Livy, who was not disturbed by any feeling that it was necessary for him to fill up the wearisome period of forty-four years by recording the events of each, despatches the Etruscan war in a few words, before he comes to the establishment of the centuries; and then (c. 46) he mentions the only assignment of which he takes any notice.

the two estates, the *populus*, or body of burghers, and the *plebs*, or commonalty: both, according to the views of the legislator, equally free, but differing in degree of honour: the patricians, as elder brothers, and moreover as each of them was the member of a far less numerous body, had the advantage of the plebeians, as the greater houses had of the lesser. I do not aim at prying into the mysteries of the ancient theologies; thus much however is evident: that the Romans conceived every part of nature and every vital and spiritual power to be divided into two sexes and two persons; they had *tellus* and *tellumo*, *anima* and *animus*; and in like manner they probably also looked upon the nation as consisting of *populus* and *plebes*: hence the names are masculine and feminine. The use of the former word for the sovereign assembly of the centuries belongs to later; for the whole nation, to yet more recent times: and along with the second meaning the original one long continued to prevail. It is related under the year 341 that the plebs, with the concurrence of the *populus*, committed the charge of investigating the murder of Postumius to the consuls: in this place no interpretation can attach that meaning to the word into which it has been attempted, though very mistakenly, to strain it in the saying of Appius Claudius, *that the tribunes were magistrates of the plebs, not of the populus*; where it is contended that *populus* means the people in the centuries⁹⁸³.

Even in the oracle of the Marcii, which was promulgated during the second Punic war, the prætor is still spoken of as pronouncing the supreme sentence of the law both over the burghers and the commonalty⁸⁴. Again, a *concilium*, as we know from a very good authority, was the assemblage of a mere part of the

⁹⁸³ Livy iv. 51. *A plebe consensu populi consulibus negotium mandatur.* II. 56. *Non populi sed plebis magistratum*: that a tribune had no authority over the patricians. For that was the point in dispute.

⁸⁴ Livy xxv. 12. Prætor—is qui *populo plebique* jus dabit summum.

nation⁹⁸⁵; not of the whole, as it was united in the centuries. Now Livy says, the auguries had attained to such high honour, that the *concilia populi* and the centuriate comitia were dissolved in consequence of unfavorable omens⁸⁶. Here the *concilia populi*, which from their very name must have been distinct from the only general comitia, those of the centuries, or the *exercitus*, are over and above this expressly named alongside of them: and a *concilium plebis* is out of the question; for this did not stand under the influence of the auguries. So that a *concilium populi* is equivalent to an assembly of the patricians or the curies. Such was the *concilium* to which Publicola paid homage by lowering his fasces⁸⁷: such was the assembly that decided between the Aricines and the Ardeates concerning the territory⁸⁸ they were disputing about: besides as the patricians as then were still the only possessors of the domains, the plebs was in no way qualified for judging whether a particular district belonged to them; nor would it have had any interest to decide unfairly; nor finally would the consuls have granted it the honour of settling a quarrel between two foreign towns. If we keep this explanation steadily in view, we perceive it was by the curies that M. Manlius, the saviour of the Capitol, the patron of the Roman commonalty, was condemned to death, after the centuries had acquitted him⁸⁹: so greedily did the patricians thirst after his blood. Their place of meeting was the Comitium, that of the plebeians the Forum⁹⁰.

⁹⁸⁵ Lælius Felix in Gellius xv. 27. Is qui non universum populum, sed partem aliquam adesse jubet, non comitia, sed concilium edicere debet.

⁸⁶ Livy i. 36. Ut—*concilia populi*, exercitus vocati, summa rerum, ubi aves non admisissent, dirimerentur.

⁸⁷ See below note 1172.

⁸⁸ Livy iii. 71. *Concilio populi* a magistratibus dato.

⁸⁹ Livy vi. 20. Cum *centuriatim* populus citaretur—apparuit—nunquam fore—crimini locum. Ita—*concilium populi* indictum est. The true account is clearly that the duumvirs impeached him.

⁹⁰ Both of these lay on the same level—quanto rostra foro et comitio

The distinction between the two orders is visible even in their games; which were twofold, the Roman and the plebeian. The first were held in the great Circus; and accordingly we are told the curies had places there assigned to them: the separation between the orders accounts for the origin and purpose of the Circus Flaminius. It must have been designed for the games of the commonalty; which in early times chose its tribunes there, on the Flaminian field⁹⁹¹.

Now as the Marcii designated the nation by the two words *populus* and *plebs*, so the formularies of prayer by which all proceedings in the presence of the whole nation were opened, sometimes made mention of the *Quirites*, sometimes of the *plebeians*, along with the *populus*⁹². It is true, the original Quirites were totally and essentially different from the plebeians, and were become a part of the patricians: but the plebeians were now standing in the same relation to the collective body of the curies, in which the second tribe had once stood to the first: the formulary was ready at hand, and was applicable:

superiora sunt, says Fronto ad Antonin. Aug. i. 2. p. 148. ed. Rom.—and were so situate as to form a whole, which in common parlance was called the Forum: it was this Forum, in the wider acceptation of the word, that was surrounded by porticoes. The original plebeian Forum was paved with flagstones of travertine: the Comitium is the piece of ground where a pavement of flagstones of giallo was brought to light by the excavations of the last century. They were separated by the ancient rostra, a stage of considerable length with steps at each end of it, lying in the line between the temple of Castor and the Curia Hostilia, at right angles to the front of this Curia and the steps before it. Down to the time of Caius Gracchus even the tribunes in speaking used to front the Comitium: he turned his back to it, and spoke with his face toward the Forum.

⁹⁹¹ All such distinctions necessarily came to an end, when the patricians were lost in the body of the nation like a drop in the sea.

⁹² Quod felix, faustum, fortunatum, salutareque sit *populo Romano Quiritibus* (not *Quiritium*: see above p. 288, note 752). Festus v. Dici mos erat Romanis in omnibus sacrificiis precibusque. Cicero paraphrases this as follows: Quæ deprecatus sum—ut ea res—*populo plebique Romanæ* bene atque feliciter eveniret. Pro Murena i.

hence the custom of addressing the assembly in the Forum by the name of *Quirites*: hence the phrase, *Quiritary property*, and the like⁹⁹³.

Among the measures of Servius for promoting freedom, it is further stated that he established judges for private actions⁹⁴. I entertain no doubt that this refers to the institution of the centumvirs. The only ground for the prevalent notion that this tribunal was not erected until the five and thirty tribes were completed, or till there were at least three and thirty, lies in its name: whereas, the agreement being only approximate, this is a sufficient sign that the name arose out of common parlance, and was not the original technical appellation. For every tribe there were three judges. This number,—the principle of representing the particular tribes, and the consequent practice

⁹⁹³ At the close of this inquiry I must add one more remark. A great number of instances may be collected by merely turning over the pages of Livy, where he gives the name of *populus* to the *plebs*: but these are not of the slightest importance, if we make a distinction between the strict practice of the language in ancient times, which he retained in copying from such Annals as still paid attention to it, and the fluctuating usage which he shared with his own age. How difficult would it have been for him to avoid this! when the tribunes, who had already long been actually tribunes of *the people*, had for some hundred years at the least transacted business officially with the *populus* of that age, the comitia of the centuries. But this only makes us the more struck with the precision of those passages where he is literally reciting the expressions of the older writers. I will however myself quote another passage, which might seem to make against me. Varro de re rust. i. 2. 9. Licinius trib. pl. cum esset, post reges exactos annis CCCLXV, primus populum ad leges accipiendas in septem jugera forensia e comitio eduxit. The number of years, as every one sees, is corrupt, and perhaps the corruption has gone further: but if any one takes *populus* here to mean *plebs*, and the *comitium* to be its place of assembly, he is totally in the dark. In this very passage the *populus* is the curies, who were forced to accept the law proposed by the triumphant plebeians, (*leges accipere*): the tribune conducts them from the Comitium to the spot where they are to conclude peace with the plebs: the seven jugers are the condition: *in septem jugera*: like *pax data in has leges est*: Livy xxxiii. 30.

⁹⁴ Dionysius iv. 25.

for the election to be conducted by each severally, not by the collective commonalty,—the symbol of the spear,—all point to very old times: the symbol just mentioned contains an allusion to the plebeians as Quirites, that name being frequently derived from the Sabine word *quiris*, a spear. Moreover the causes which came before this court, referred uniformly to matters that occurred in the census, or concerned Quiritary property. The one senatorian judge, who was appointed by the prætor, was properly called an *arbiter*⁹⁹⁵; the centumvirs, we are perfectly justified in assuming, originally when they were ninety, and afterward as their number, which on the diminution of the tribes had been reduced to sixty, gradually increased again, bore the name of *judices*. And the unprejudiced will easily see that these are the *judices* who after the abolition of the decemvirate were protected along with the other plebeian magistrates by the laws declaring them inviolable⁹⁶.

Beside the election of these judges and of the tribunes, several others may have been carried on by the plebeians collectively, or by the particular tribes separately. It is assuredly more probable that even in those times they had ædiles, forming a peculiar local magistracy, such as we

⁹⁹⁵ Plautus Rudens III. 4. 7. Ergo dato De senatu Cyrenensi quemvis opulentum *arbitrum*, Si tuas esse oportet etc. 150 years afterward it was a matter of dispute whether *judex* or *arbiter* were the right name. Cicero pro Murena 12. (27). The nature of the relation between them had been totally forgotten.

⁹⁶ Livy III. 55. That ingenious scholar Ant. Augustinus, who in his views on historical questions was mostly no less happy, than he invariably was the contrary in emendatory criticism, discerned this truth: but he only gave a faint hint of his opinion, and so his conjecture did not meet with acceptance. (See Drakenborch on the passage referred to). He would have had to fetch his readers from a vast distance, out of a public still far behind in its nonage, and to carry them up to the point where he was standing: the road to it was not levelled: and after all would they have thanked him for it? Might he not be satisfied with having found his way thither himself?

may suppose to have subsisted in the towns the inhabitants of which belonged to the plebs, than that this office originated later. The plebeian assemblies may also have had a variety of purposes over and above elections; the passing resolutions, the imposing rates for common objects; thus general contributions for the funerals of favorite statesmen were ordained by public decree⁹⁹⁷. We may assume however that even then they had rights which came much nearer to their subsequent power.

For the legislation of an individual who is the supreme head of a state, pursues a different course from that taken by conflicting powers in a free state; where, without violating the public peace and the forms of law, nothing but gradual concessions can be wrung, sometimes by lulling fears, sometimes by rousing them, from the possessors of privileges that have become exorbitant, above all when their sway is a usurpation. The royal author of that constitution which posterity designated with the name of Servius Tullius⁹⁸, cannot have understood the nature of his own measures, if, after establishing the plebeian estate, he left it so destitute of protection as it was before the Secession, and so far from an equality of rights as it still continued long after. Cicero was not speaking inconsiderately, nor did he so much transport himself to the point of view taken by a different party, as draw back that curtain of prejudices through which he usually esteemed it his duty to look into the sanctuary of the constitution, when he declared that the plebs by the Secession recovered its hallowed rights, its liberties⁹⁹. The measure by which they were secured was new, and was the result of necessity,

⁹⁹⁷ For that of Agr. Menenius it was proposed by the tribunes. Dionysius vi. 96.

⁹⁸ Ut, quemadmodum Numa divini auctor juris fuisset, ita Servium conditorem omnis in civitate discriminis, ordinumque—posteris fama ferrent. Livy i. 42.

⁹⁹ Ut leges sacratas sibi *restitueret*. Fragm. of the Cornelian. *Sacrosanctus* answers to the German *from*.

owing to the change in the form of the constitution: but of the rights themselves the commonalty cannot have been destitute. It would not have been a free body, like the body of burghers, unless there had been the same right of appealing to its assembly, which the patricians had of appealing to the curies; and unless it had been entitled to pass sentence upon such as grossly infringed its liberties.

That the counter-revolution of L. Tarquinius and the patricians did actually drive back the commonalty so far from the fair rights it had reached, that centuries were needed before it could again make its way against wind and tide into the harbour where after that royal legislation it was lying, is evinced among other instances by the state of the law concerning debts. We are distinctly told that a law of king Servius abolished the practice of pledging the person, and substituted that of pledging property¹⁰⁰⁰: the selfsame measure by which the Poetelian law made a new epoch in the freedom of the plebs. It is further said, that this beneficent enactment was repealed by Tarquinius the tyrant¹; and the patricians contrived to prevent its renewal for two hundred years after the banishment of the kings.

¹⁰⁰⁰ Dionysius iv. 9. "Οσοι δ' ἂν μετὰ ταῦτα δανείσωνται, τούτους οὐκ ἐάσω πρὸς τὰ χρέα ἀπάγεσθαι, ἀλλὰ καὶ νόμον θήσομαι μηδένα δανείζειν ἐπὶ σώμασιν ἐλευθέροις, ἱκανὸν ἡγούμενος τοῖς δανεισταῖς τὰς οὐσίας τῶν συμβαλλομένων κρατεῖν. In the same harangue he makes Servius further say, that the domains should not thenceforward be possess by the usurping patricians, but by the plebeians who had won them with their blood. So that the agrarian law was likewise referred to the same founder of every constitutional right.

¹ Dionysius iv. 43. Tarquinius is even said to have destroyed the tables on which these beneficent laws were written. These then must have been the fifty spoken of in iv. 13, the mode of mentioning which (ἦσαν) implies that they were no longer in existence, and accordingly were not comprehended in the Papirian collection. If this was digested under the second Tarquinius, of course it did not

The story that Servius meant to resign the throne, and have annual consuls elected, may have as insecure a historical foundation as the tale of his birth: nevertheless it points decidedly to a necessary connexion which common tradition and opinion perceived between the consulate and the laws bearing his name. This is distinctly implied in Livy's statement that the first consuls were chosen in conformity to the commentaries of king Servius Tullius; those commentaries, which contained a detailed scheme of his constitution, as the quotations in Festus shew. And since one is unwilling to suspect that the author of so great a legislation, who had the power to fashion it for his purposes, would do anything that must have destroyed it; the design of that legislator whom we call Servius Tullius, must have been, it would seem, to place the two free estates on a level in the consulate as well as elsewhere, in the manner in which it was effected by the election of L. Brutus, and permanently by the law of C. Licinius and L. Sextius. If he did not, if he only created two annual magistracies for the houses, and left the commonalty without any consul from its own body, it was in a worse condition than under a single supreme head who retained his functions for life: the latter would emancipate himself, and the longer he reigned the more so, from the prejudices of the order out of which he too had proceeded; prejudices by which an annual magistrate would continue to be fettered. And by no gain save that of universal freedom could the palpable mischievous consequences of a divided government be counterbalanced.

contain the laws which he rescinded: their not being found in it is assuredly the only ground for the above-mentioned story of his having destroyed them in a fit of passion. From this however it ensues that the whole account of that law on debts has nothing but tradition to rest upon. See the text to note 1264.

THE CENTURIES.

WITH regard to the purpose of the Servian constitution to impart an equal share in the consular government to the plebeians, every one is at liberty to think as he likes : that it granted them the right of taking part in elections and in legislation, is universally acknowledged.

Servius, as for the sake of brevity I will call the law-giver in accordance with the writers of antiquity, would have taken the simplest method of bestowing these rights, if he had adopted the same plan whereby the commons in feudal states obtained a station alongside of the barons, and had ordained that all national concerns should be brought both before the council of the burghers and that of the commonalty, and that the decree of the one should not have force without the approval of the other, and should be made null by its rejection. This was the footing on which the plebeian tribes in aftertimes stood in relation to the curies : but if these two bodies had been set up over against each other from the beginning, they would have rent the state asunder ; to accomplish the perfect union of which the centuries were devised by Servius. For in them he collected the patricians and their clients together with the plebeians ; and along with all these that new class of their fellow-citizens which had arisen from bestowing the Roman franchise on the inhabitants of other towns, the municipals : so that nobody could in any way look upon himself as a Roman, without having some place or other, though indeed it might often be a very insignificant one, in this great assembly¹⁰⁰². The

¹⁰⁰² Comitatus maximus.

preponderance, nay the whole power in that assembly lay with the plebs: this however excited no ill-will, because no one was excluded; and provoked no opposition, because it did not decide by itself, but stood on an equipoise with the curies.

This institution of the centuries has thrown that of the tribes completely into the shade; and through the former alone has the name of king Servius maintained its renown to our days. Moreover it has long and universally been held to be a settled point, that this is understood with more certainty and accuracy than any other part of the Roman constitution; because it is described by Dionysius and Livy, and that description is couched in numbers: and only a very few, who saw more clearly, have ventured to pronounce, that at all events these representations were not suited to the times of which we have a contemporary history. At present this in the main is no longer contested; and, a far more authentic record having come to light, the errors common to the two historians, and those peculiar to each, may be satisfactorily pointed out. They cannot either of them have been acquainted with the account contained in the commentaries which were ascribed to the king himself, but have written from very different and very defective reports: as to Cicero, the only reason that indisposes us to believe his having drawn immediately from the authentic source, is, that erudition of this sort was not in his way; else his statements are exceedingly accurate and trustworthy. The mistakes of the two historians need not surprise us; for they were not speaking of an institution still existing, nor even of one that had been recently changed, but of what had long since past away. Livy says expressly, that it had nothing in common with the constitution of the centuries in his days: and this moreover is the very reason why he describes it, as he does the ancient tactics in his account of the Latin war. Various other statements too must have been current, containing still greater

discrepancies; for Pliny takes 110000 ases to be the limit for the property of the first class, Gellius 125000¹⁰⁰³; numbers, which can neither be regarded as blunders in the manuscripts, nor as slips in the writers.

In one point both the historians are mistaken: confounding the burghers with the commonalty, they imagine that a people, in which till then perfect union and equality had prevailed, was now divided into classes according to property, in such a manner that all the power fell into the hands of the rich, though incumbered with no slight burthens. Dionysius adds another error to this, in looking upon the eighteen equestrian centuries, which had the first rank in the constitution of Servius, as a timocratical institution.

The principle of an aristocracy is to maintain a perfect equality within its own body. The poorest and obscurest *nobile* of Venice, into whose family no office of dignity had come for centuries, was esteemed in the great council as the equal of those whose wealth and name encircled them with splendour. A government formed like the Roman by a large body of houses is a complete democracy within itself, just as much so as that of a canton where the population is not more numerous: an aristocracy it is solely in its relation to the commonalty. This was misunderstood by Dionysius and Livy: no change was made by Servius in this equality of the ancient burghers: his timocracy only affected those who stood entirely without the pale of that body, or those who at the utmost were attacht to it, but far from partaking in the same equality.

The six equestrian centuries establisht by L. Tarquinius were incorporated by Servius into his comitia; and received the name of the six *suffragia*: so that these comprised all the patricians; among whom it cannot be conceived that in this constitution, any more than in the earlier, there existed any distinction adapted to the scale of their property. Livy, though he forgot that the six centuries had

¹⁰⁰³ Pliny H. N. xxxiii. 13. Gellius vii. 13.

been instituted by Tarquinius, makes a perfectly correct distinction between them and the twelve which were added by Servius¹⁰⁰⁴; *out of the principal men in the state*, as he says: he ought to have said, *in the commonalty*: for the patricians were in the six *suffragia*, nor can any of them have been admitted into the twelve centuries. Dionysius therefore should have confined himself to these twelve centuries, when he conceived that the knights were chosen by Servius out of the richest and most illustrious families; which notion he extends to all the eighteen⁵: for the patricians, who unquestionably as a body were the richest as well as the leading men in the state, had all of them places in the six *suffragia* by birth and descent, though particular individuals among them might happen to be exceedingly poor.

Else it is clear from the character of the measure, that the person who arranged this division of ranks, when he collected the notables and separated them from the commonalty, would pass over such of the nobles of Medullia or Tellenia as were totally reduced to poverty and insignificance, and would enroll in these centuries such of the merely freeborn inhabitants as in compliance with the notion of the class possess wealth enough to equip a horseman, provided their honour was untarnisht; not those whose character stood the highest, if their means were too small. Marius would not have been placed among the knights: the object of Servius however was not to bestow prizes on the virtues of individuals, but to establish an estate in the nation; to unite the plebeian notables with the patrician. Now among the Greeks,

1004 Festus (v. Sex Suffragia) in direct opposition to the truth takes the six to have been the centuries formed by Servius. To this he was led by the notion that the twelve had already been instituted by Tarquinius. See above p. 355, note 892.

5 IV. 18. Ἐκ τῶν ἔχόντων τὸ μέγιστον τίμημα, καὶ κατὰ γένος ἐπιφανῶν. The passage of Cicero about selecting the knights *censu maximo* is mutilate, and cannot be filled up with any certainty.

wherever the ancient government did not dwindle into an oligarchy, the transition to that later order of things which the course of nature brought about, was effected by the remnant of a decaying aristocracy uniting themselves into one class with the richer landed proprietors among the commonalty, the γεωμόροι: this class, from being able to defray the expense of serving as horsemen out of their own means, bore the name of ἵππεῖς; which is best rendered in English by the word *knights*, although in using it certain associations must be guarded against. The Greek philosophers, when the ancient notions of ancestry had long been lost, defined nobility to consist, according to the way of thinking then prevalent, of hereditary good birth together with hereditary wealth¹⁰⁰⁶. Where poverty has intruded, none but a military nobless, such as that which several German provinces take pride in, can maintain the character of the class in public opinion, which alone preserves it. Nay the privileged classes have universally esteemed wealth, and the outward splendour that flows from it, as the only thing which can place any one on a level with themselves. Such has always been the case. The Heraclid Aristodemus, the progenitor of the Spartan kings, said, *Money makes the man*. Alcæus repeated it in his songs, as a saying of the wise⁷: and bad as this sounds, bad as it is, still it can no way be disputed that, in an undertaking like that of king Servius, wealth and not bare lineage was to be taken as the criterion for the plebeian aristocracy which was to be established under a new form.

Only we must beware of confounding the first institution with what took place afterward; as also of supposing that the subsequent standard of an equestrian fortune, a

¹⁰⁰⁶ Aristotle Fragm. de Nobilitate.

⁷ Χρῆματ' ἀνὴρ. Alcæus in the Schol. on Pind. Isthm. II. 17. fragm. 50. ed. Matth. Aristodemus said it at Sparta: so that this tradition, like the national one in Herodotus (VI. 52.), represented him as not having died until the conquest was completed.

million ases, is derived from the times of Servius. We cannot suppose that the descendants of those who were originally enrolled, took their station otherwise than hereditarily, whether they were plebeians or patricians. Polybius says, at present the knights are chosen according to fortune¹⁰⁰⁸: previously therefore it must have been on another principle; that is, according to birth: and Zonaras informs us that the censors had the power of rewarding merit by raising an ærarian into the tribes, a mere plebeian into the equestrian order; and contrariwise of punishing a bad life by erasing from both of the two upper ranks⁹. Here the regulative principle is plainly the reverse of one that depends upon property, such as prevailed in later times, when whoever could produce his four hundred thousands was entitled to demand a place among the knights; and the want of a few thousand sesterces, in spite of every virtue, kept a man down amid the plebs¹⁰. True, the censors in those times ordered an unworthy possessor of a knight's horse to sell it: this however now formed the whole of the censorian brand, unless they could also turn down the tribesmen among the ærarians. Indeed this very power of conferring the privilege of a knight's horse enabled the censors still to reward civic virtues in individuals: as in Great Britain a general or admiral who is raised to the peerage, if not wealthy, receives from the nation a pension suitable to his rank; although, as a body, the House of Peers can only maintain its station by

1008 Polybius vi. 20. Τοὺς ἱππεῖς τὸ μὲν παλαιὸν ὑστέρους εἰώθεσαν δοκιμάζειν—νῦν δὲ προτέρους, πλουτινδὴν γεγεννημένης ὑπὸ τοῦ τιμητοῦ τῆς ἐκλογῆς: since fortune has been taken as the standard in choosing them. If he had not intended to imply a causal connexion here, he would have written γενομένης, *being chosen* according to their fortune.

9 Zonaras vii. 19. Εξῆν αὐτοῖς—ἐς τὰς φυλὰς, καὶ ἐς τὴν ἱππίδα, καὶ ἐς τὴν γερουσίαν ἐγγράφειν, τοὺς δ' οὐκ εὖ βιοῦντας ἀπανταχόθεν ἐξαλείφειν.

10 Si quadringentis sex, septem millia desunt, Plebs eris.

comprehending the mass of the great landed proprietors. That the original equestrian fortune cannot have amounted as in aftertimes to a million, is clear: for the classes from the fourth upward ascend by intervals of 25000; and this would be followed by the enormous leap from a hundred thousand ascs to a million; whereas during the second Punic war we find this interval subdivided, as was the part of the scale below a hundred thousand into only two classes.¹⁰¹¹ Thus much may at all events be conjectured: that the obligation of those who were registered as horsemen to serve as such at their own cost, when a knight's horse could not be assigned to them, was determined by a certain fixt amount of their property; and that, if it fell short of this, they were bound under the same circumstances to enter into the infantry. The former regulation perhaps gave occasion to the story, in the description of the general zeal to wipe away the disgrace endured before Veii, that the knights who had an equestrian fortune and no horse allotted them, volunteered to serve on horseback at their own expense¹²: and the latter is alluded to in the tradition that L. Tarquitiu, the friend of the great Cincinnatus, and the bravest of the Roman youth, was compelled by his poverty to serve on foot¹³. The fixing such a sum was a matter of necessity: from the same reason it was probably altered from time to time according to the changes in the value of money.

The prevalent opinion, that the equestrian rank from the beginning was essentially connected with great wealth,

¹⁰¹¹ Livy xxiv. 11.

¹² Livy v. 7: that is to say, a greater number than had been called out.

¹³ Livy iii. 27. Though this particular instance itself belongs to the poetical tradition. For Tarquitiu was a patrician; and even those who do not admit the certainty of the hypothesis that a citizen of this order did not belong to any class, will allow that poverty in this case would either have entirely excluded him from serving, or at best would have degraded him into a class in which his merits would never have been distinguisht.

and yet that all the knights were furnisht with horses by the state, and had a yearly rent assigned for their keep, not only charges the Roman laws with absurdity and injustice, but also overlooks Livy's express remark, which follows close upon his account of the advantages enjoyed by the knights, that all these burthens were shifted from the poor upon the rich¹⁰¹⁴. Would any one indeed answer for it that a rich patrician, if he might have had his expenses defrayed, would magnanimously have declined availing himself of this right, for the benefit of his poorer brother patrician? And as for the plebeians, if they too had a like right granted them by Servius, at all events it cannot have been exercised for several generations. At first however no doubt it was one of the patrician privileges: indeed the incontestable meaning of the account in Cicero, representing this allowance as an institution of the first L. Tarquinius, is, that its origin was prior to the establishment of the commonalty as an estate: and, if restricted to those among the ruling burghers, who, though equal to their fellows in rank, were below them in fortune, there was nothing unfair or oppressive in it.

The sum of ten thousand ases for the purchase of a horse, by the side of the sums at which oxen and sheep were rated in the table of penalties*, seems to be so exorbitant, that the correctness of the number has been questioned. But in the first place it was not to be a

¹⁰¹⁴ Hæc omnia in dites a pauperibus inclinata onera. Dionysius evidently felt the absurdity that results from his representation, and therefore sacrificed the opportunity, at other times so welcome to him, of deriving Roman institutions from the Greek; as Polybius would have led him to do by his comparison of the Roman equestrian order with the Corinthian. I say Polybius: for from him must Cicero have borrowed the notice of a circumstance, which, as shewing how widely such institutions were spread among the ancients, is extremely interesting: though as a proof of any connexion between Rome and Corinth it is good for nothing.

* See below note 1058.

common nag; and compared with such a one at Rome as elsewhere a war-horse was naturally very dear: and besides the equipment was incomplete without at least a groom, a slave, who was to be bought, and then to be mounted. One should be glad to know whether the state did not replace such horses at least as were lost on the field; whether a horseman who was discharged on account of age, or the heirs of a deceased one, had not to pay back the ten thousand ases that had been received. These are questions to which it is scarcely probable that even a lucky moment of conjecture will ever divine an answer: but surely I cannot be mistaken in supposing that, when the censor commanded a knight to sell his horse, the intention was, that the person thus degraded should refund to the state the outfit-money which had been advanced to him, and should procure the means of doing so by that sale: he cannot have had the right of bargaining with another and entitling him on the payment of the ten thousand ases to enter in his stead into the receipt of the annual two thousand, as if it had been a transferable office or *luogo vacabile*. For this penal command of the censors continued in use down to the end of the republic; when the practice had long been to give the knights pay and fodder in room of that allowance. This change had already been introduced in the time of Polybius¹⁰¹⁵: knights horses furnished by the state are mentioned in inscriptions under the emperors, as long as the old institutions lasted; though certainly it is in a very different sense¹⁶.

¹⁰¹⁵ Polybius vi. 39. 12. 13.

¹⁶ Cicero (de Re p. iv. 2.) alludes to a change made by a decree of the plebs ordaining that the horses should be restored: for when he makes Scipio speak of any measure as intended, we are to suppose that it had actually taken effect, but, according to the information possessed by Cicero, was later than the date he assigns to Scipio's discourse. It is possible that the holders of the outfit-money were enjoined to pay it into the treasury, that a great sum might be in hand for largesses: the horses and equipment would have continued their property. Perhaps too Cicero was mistaken about the date; and the higher pay mentioned by

The form of the equestrian order was determined by that of the older centuries, which were preserved unaltered as the six *suffragia*; and after them were the twelve plebeian centuries modelled. The centuries of the knights were not connected with the form of the army; the turns of the cavalry no way corresponded with them: on the other hand the classes represented an army of infantry, in exact accord with the constitution of the legion; troops of the line and light-armed soldiers, with their body of reserve, their carpenters, and their band; and even with the baggage-train.

This exact conformity to the frame of the army was peculiar to this institution; although in many of the Greek states the hoplites and the full citizens were the same. Nay the principle also, which is justly assumed by Dionysius,—that the votes allotted to each class bore the same proportion to the collective sum of votes, as the taxable property of its members bore to the total taxable property of all the five classes, and that the numbers of the citizens contained in each stood in an inverse ratio to the numbers that designated their property,—was not unknown to the Greeks. Aristotle speaks of votes the weight of which was regulated by the amount of the property of the voters¹⁰¹⁷.

Polybius, and the fodder, might be meant as a compensation. At all events the inscriptions referred to shew that the measure was not permanent. See for instance in Gruter, 404 (3.4.). 407 (6). 415 (3).

¹⁰¹⁷ Politic. vi. 3. p. 171. Φασὶ γὰρ—οἱ ὀλιγαρχικοὶ (τοῦτο δίκαιον) ὅτι ἂν δόξη τῇ πλείονι οὐσίᾳ· κατὰ πλῆθος γὰρ οὐσίας φασὶ κρῖνεσθαι δεῖν. Further: τοῦτο κύριον ἔστω—ὅτι ἂν οἱ πλείους καὶ ὦν τὸ τίμημα πλείον. If out of 10 rich men and 20 poor, 6 of the rich and 5 of the poor voted on the one side, 4 of the rich and 15 of the poor on the other, then ὁποτέρων τὸ τίμημα ὑπερτείνει, συναριθμουμένων ἀμφοτέρων ἑκατέροις, τοῦτο κύριον. He cannot possibly have meant individuals here, for this would have led to interminable calculations,—but συμμορίαι.

I must also advert for a moment to the division into classes established by Solon; for with an apparent likeness to that of Servius, it has a totally

The ground was laid for Rome to become a warlike state, when military service and civic rights were connected with the hereditary landed property of the plebeians: no freeman however was to feel himself excluded; and those trades which were indispensable to the army, but which a plebeian was not allowed to carry on, were in their corporate capacity placed in a station, which was probably advantageous, and higher than the individuals would have occupied by the general principles of the census. For this reason the five classes had the single centuries attached to them.

Scipio in Cicero's dialogue declines entering into a detailed report of the Servian constitution of the centuries, it being a matter well-known to his friends: in like manner I too may be excused from counting up how the 170 centuries were distributed among the five classes. There are two points however which I would not pass over. In the first place the Romans knew only of five classes: so that Dionysius, who calls such as gave in less than 12500 ases a sixth class, is just as much mistaken in this as when he allows them only one century. Next, here again the regularity of the scale assuredly puts it beyond a question that his statement of the fortune of the fifth class at 12500 ases or 1250 drachms, and not Livy's at 11000 ases, is the correct one. Whether the last was occasioned by Livy's finding it somewhere mentioned perhaps, different character. The former related wholly to the eligibility to offices, the latter to elections. No comitia according to the four classes were certainly ever held at Athens: but as the archons in old times could only be chosen out of the first (Plutarch Aristid. c. l.), and the fourth was excluded from all offices, so the second must also have had certain privileges above the third. In the Attic classes the houses and the commonalty were intermixt, even if the expression of Demetrius Phalereus quoted in the passage just referred to—ἐκ τῶν γενῶν τῶν τὰ μέγιστα τιμήματα κεκτημένων—authorize us to conclude that among the pentacosiomedimns none but the members of the houses were allowed to draw lots for the dignity of the archon eponymus. And even the landed property was only rated at the value of the crops.

that the difference between the limit of the fifth class and the proletarians amounted to 11000 ases,—or whether the account which gave the first class 110000 ases, estimated the fifth at a tenth of this, as the sum in Dionysius would be a tenth of the 125000 ases which others assign to the first class,—cannot be decided; though the first is the more probable solution: but it is not a waste of time to consider how such an error may have arisen.

The classes, and they alone, were divided into centuries of the juniors and the seniors, equal in number; the former destined for service in the field, the latter for the defense of the city: the age of the seniors began with the completion of the forty-fifth year¹⁰¹⁸. The theology of the Romans taught¹⁹, that twelve times ten solar years were the term fixt by Nature for the life of man, and that beyond this the gods themselves had no power to prolong it; that Fate had narrowed its span to thrice thirty; that Fortune abridges even this period by a variety of chances: against these the protection of the gods was implored. Of the length assigned to man's life by Fate, just half is marked off by the above-mentioned limit: and since boyhood according to Varro ceased with the fifteenth year, after the close of which the *prætexta* was exchanged for the manly toga at the next *Liberalia*²⁰, we here again find the number thirty, a third part of man's whole lifetime, as the number of the years contained in the vigorous prime of life. Here again the numbers themselves are a sure thread to guide us; and with reference to the original institution of Servius, what Gellius states on the authority of Tubero, that persons were not reckoned to be seniors until the

¹⁰¹⁸ Varro in Censorinus 14. Dionysius iv. 16. Διελὼν—τοὺς ὑπὲρ τετταράκοντα καὶ πέντε ἔτη γεγονότας ἀπὸ τῶν ἐχόντων στρατεύσιμον τὴν ἡλικίαν.

¹⁹ Servius on *Æn.* iv. 653.

²⁰ Noris *Cenotaph. Pis.* i. p. 116. ff. *Diss.* ii. 4. So almost the whole of the sixteenth year might elapse previously.

completion of their forty-sixth year¹⁰²¹, is certainly erroneous. The term of military service may always have been denoted by the expression, *minor annis sex et quadraginta*²²: this however meant the person who had not yet entered into his forty-sixth year²³. I have not overlooked that this year is included by Polybius in the military age²⁴: but the extension was brought about by the want of a more plentiful choice of men hardened by service; and for this purpose advantage was taken of an expression, the meaning of which naturally became indistinct, when the general connexion running through the ancient institutions had been lost sight of. In the same manner Tubero, a contemporary of Cicero, a man of business, and no antiquarian, accounts the sixteenth year a part of boyhood²⁵; in opposition to Varro and to the evidence afforded by the symmetry of the numbers: and unquestionably Nature did not allow herself to be dictated to by such forms; nor did the lad of fifteen put on strength for a campaign together with the manly toga. Accordingly during the first year he was kept merely to bodily exercises, and instructed how to demean himself among men: and so long as this schooling lasted, it can hardly have been the custom for him to

1021 x. 28. Ad annum quadragesimum sextum juniores, supra eum annum seniores appellasse.

22 Livy XLIII. 14.

23 Such as were *minores annis viginti quinque* were prohibited, with a few exceptions, from holding offices of trust or dignity: but *annus vigesimus quintus coeptus pro pleno habetur*: Ulpian l. 8. D. de muneribus (L. 4). In an affair connected with constitutional law the expression was interpreted after the ancient legal practice.

24 The Romans are liable to the conscription ἐν τοῖς τετταράκοντα καὶ ἑξ ἔτεσιν ἀπὸ γενεᾶς. VI. 19.

25 Gellius x. 28. Pueros esse existimasse, qui *minores* essent *annis septemdecim*: that is, according to the explanation in the text, who had not yet entered upon their seventeenth year. The next clause—*inde ab anno septimodecimo milites scripsisse*—settles the question in favour of the disputed reading, *juniores ab annis septemdecim scribunt*, in Livy. XXII. 57.

vote in his century: thus, even if he had the right, the matter was put off; and if the time to be spent among the juniors was still reckoned at thirty years, men would only become seniors with the forty-seventh. According to what Gellius further quotes out of Tubero, all who were above forty-six would have been numbered among the seniors: according to a different well-known statement, only such as had not yet closed their sixtieth year; with which all civic rights expired. This opinion rests upon respectable authorities; and the obligation of the *seniores* to defend the city, as we read in Livy, speaks strongly for their having been separate from the *senes*. The same is also confirmed by the principles of Greek law; for though Aristotle considers the old men who have obtained their dismissal, as well as the boys who are not yet enrolled, in the light of citizens, it is only as imperfect ones¹⁰²⁶.

Every body sees that one of the fundamental principles in this constitution was to adapt the distribution of power, and of arms as the means of maintaining power, to the scale of property²⁷; a scheme akin to the theory which regards a state as a joint-stock company. Now in this relation between the juniors and the seniors yet another purpose displays itself. The ancient nations often entrusted the charge of taking counsel for the common weal to the elders exclusively; and in a like spirit the seniors are placed on a par with the juniors as to the number of their centuries: nor can we fail to perceive here the justness of Cicero's words, that throughout the whole of the system the aim was to withdraw the power

¹⁰²⁶ Politics III. 1. Καὶ παῖδας τοὺς μὴ πω δι' ἡλικίαν ἐγγεγραμμένους καὶ τοὺς γέροντας τοὺς ἀφειμένους φατέον εἶναι μὲν πῶς πολίτας, οὐχ ἀπλῶς δέ. Though great generals were sometimes called to the command of armies at a very advanced age, there is the less force in this argument with regard to Rome, because the knights were not divided according to their time of life.

²⁷ The equestrian order, as has just been remarked, stands apart from this system.

of deciding from the majority*: for in this way the minority were to preponderate even within the same class. That is to say, the seniors, whether we take them in the wider or the narrower extent, were much fewer than the juniors. Returns of population, arranged according to the different periods of human life, are rare; nor do I know of any Italian one; and certainly the relative numbers must inevitably vary in different climates: but assuredly we shall nowhere be far from the mark, if we assume that the number of men living who have completed their forty-fifth year and are under sixty-one, amounts to less than a third, that of all who have passed their forty-fifth year, only to about half, of those living between seventeen and forty-six; in the twenty-eight years which we must take as the actual period of military service in the field, and of the corresponding franchise¹⁰²⁸. Here again we find a numerical proportion which makes it likely that in the scheme of the centurial constitution the ratio of one to two was in reality taken as a basis, whatever limit we may draw for the age of the seniors.

The difference among the numbers contained in the centuries of different classes must have been exceedingly great: the principle of their original arrangement has already been pointed out²⁹; namely, the proportion between the aggregate taxable property of each class and that of the whole body. Three persons of the first class, four of the second, six of the third, twelve of the fourth, four and twenty of the fifth, stood on a level, taking an average, in point of fortune; and consequently likewise in their votes: therefore the numbers in the centuries of the lower

* De Re p. II. 22. Curavit—*ne plurimum valeant plurimi*.

¹⁰²⁸ I have deduced this result from the English population-returns of the year 1821. The relative numbers for the males, accurately expressed, are, from 17 to 45, 0.6637; from 45 to 60, 0.2035; above 60, 0.1328; or the total above 45, 0.3363. Calculating from the close of the fifteenth year, the proportion would be that of 0.6863 to 0.3137.

²⁹ Above p. 434.

classes must have increased at the same rate. The second, third, and fourth classes must each have possessed property amounting to a fourth of the aggregate fortune of the first: the fifth, to three eighths; for else it would not have had thirty centuries. Accordingly the number of citizens in the second class came to a third, that in the third to half, of those in the first; that in the fourth was equal to it; that in the fifth thrice as great. By the principle of this division, out of thirty-five citizens six belonged to the first class, twenty-nine to the other four. Moreover if the juniors of the first class had not actually been about 4000, there was no reason to make forty centuries of them: the inconvenience of so large a number for voting cannot have escaped the legislator. If the seniors of the same class were taken to be half the juniors, the numbers just set down came out in thousands, giving 6000 for the first class, 35000 for the whole five¹⁰³⁰. This sum in no way disagrees with the one recorded as the result of the first census, 84700³¹; a number which however has no better claim to pass for historical, than the statements in the *Fasti* of the days on which king Servius triumphed. From all appearance some calculation adapted to the abovementioned proportion lies at the bottom of this number; it certainly was not hit upon at random: but there is little chance of our being able so to combine what we know, as to divine the numbers assumed for the knights and for the centuries not included in the classes. From the very first the numbers

¹⁰³⁰ This ancient numerical proportion may very probably contain the reason why, when a century, as Cicero says (*pro Plancio* 20(49)), was only a part of a tribe, the number of tribes was raised to just five and thirty, and no higher.

³¹ Dionysius iv. 22. The odd thousands are wanting in Livy, where we find the round number 80000; doubtless only through the carelessness of the person to whom we owe our revision of the text. For Eutropius, who takes every thing from Livy, speaks of 83000 (i. 7). The statement of the census found in some manuscripts of the epitome of Livy is an interpolation.

in the classes can have afforded nothing more than an approximation to the object aimed at, of representing the taxable property: in process of time, and as the nominal value of things altered, they must have departed so far from any such relation, that, as is the fate of all similar forms, this too became utterly unfit for use and unmeaning.

A second division of the centuries was into the *assiduers* or *locupletes* and the *proletarians*. The former must have included the craftsmen attached to the first and fifth class. The name of assiduers however was given to all whose fortune came to 1500 ases¹⁰³² and upward: so that they also comprised all between this limit and the fifth class: and since on pressing emergencies the proletarians were called out and equipt with arms at the public expense, it plainly follows that these assiduers, though comprehended in no class, can still less have been exempted from military service; nor can they have been without the right of voting, in which the proletarians and the *capitecensi* partook. They must doubtless have been the *accensi*, who, Livy says, voted like the musicians with the fifth class: or, more correctly speaking, as we now know from Cicero, they formed two centuries, the *accensi* and *velati*; which were probably distinguisht from each other by their census as well as in other respects; so that those were perhaps called *accensi*, who were rated at more than say 7000 ases; those *velati*, whose return fell between that sum and the proletarians. It has already been noticed as a peculiarity in old Latin, especially in technical and official phrases, that the names of two objects, which, whether from their contrast or affinity, were habitually referred to each other, were combined by mere juxtaposition, without any conjunction; as *empti venditi*, *locati conducti*, *socii Latini*, *Prisci Latini**: thus it was the practice to say and to write *accensi velati*; a practice favoured by their being united, as is certain, in the one

¹⁰³² Cicero de Re p. ii. 22. Gellius xvi. 10.

* Above pp. 288. 371.

battalion of the *accensi*. When the body of reserve no longer followed the standards, as it had done under the old system; when the obligation to military service and the mode of raising levies had been entirely remodelled after a new plan; and yet centuries of *accensi* and *velati*, though doubtless composed of persons of a very different sort, were still subsisting—being preserved, it may be supposed, because by the ritual the beadles who attended upon the magistrates even when offering sacrifices were taken from amongst them¹⁰³³—; the usage of ancient times was then so totally forgotten, that writers spoke of an *accensus velatus*, just as of a *socius Latinus*, which would have offended Cato's ears as a gross solecism. Their military duty was the lightest in the whole army; since they followed the legion without any business or burthen; nor were they marched in troops against the enemy; but one by one they filled up the gaps that were made, and received arms for that purpose³⁴: besides they acted as orderlies to the officers down to the decurion³⁵. A great many of them must have returned home from the short Roman campaigns without having ever come to blows, and frequently not without booty.

¹⁰³³ Even Cato in his time only knew them as *ministratores*. Varro de L. L. vi. 3. p. 92.

³⁴ This is the account given by Varro, in the same place, of the *adscriptivi*: and the passage quoted from him in Nonius de Doct. Indag. (xii) n. 8. v. *accensi*, shews that in the section *de adscriptivis* he treated of the *accensi*. Their identity as a body of reserve is also recognized by Festus in the Epit. v. *adscriptitii*: so is that of the *velati* both there and again v. *velati*. Whether they were really also the same with the *ferentarii*, as has been asserted, that is, whether both together were embraced under that name, and whether their business was to supply the soldiers in battle with arms and drink, are questions I leave undetermined. He that rejects my hypothesis has to shew in what way then those assiduers, who stood below the fifth class, served and voted; and from what other body the *accensi*, who in the earlier form of the legion made up thirty maniples, can have been taken. Livy too mentions them along with the fifth class.

³⁵ Varro in the same passage of Nonius.

While these held the lowest rank among the assiduers, the carpenters on the other hand had a place allotted them by the side of the first class. Cicero only gives them one century: and if we were reduced to the necessity of adopting the testimony of the most trustworthy witness, I at least should not hesitate an instant between him and the two historians. However here again a sure trace is afforded us by the relation among the numbers. I shall speak lower down of the comitia held in the camp*; where consequently none but the junior centuries and the five attached to them, the *fabri*, *accensi*, *velati*, *liticines*, and *cornicines*, were present: in these no distinction was made between the juniors and the seniors, any more than among the knights. Now the junior centuries amounted to eighty-five; so that along with these five they made up three times thirty, that number which runs through the earliest institutions. This observation, I conceive, decides the matter; and at the same time we may here catch a further glimpse of the reason why, even if the returns of the census had deviated considerably from the above-mentioned scheme, the number of centuries in the classes would still have been fixt at just 170.

The proletarians in the most precise sense of the name, according to Gellius¹⁰³⁶, were those who gave in their property under 1500 ases, and above 375: such as came below this mark, and those who had nothing at all, were called *capitecensi*: in a wider sense, and as contrasted with the assiduers, both these divisions were comprised under the name of proletarians. That they formed two centuries, the proletarians and the *capitecensi*, we should find expressly stated in Cicero, but that the leaf of the manuscript with the remainder of his account of the centuries, which breaks off with the word *proletariis*, has been lost³⁷. It began beyond all doubt with the words

* See the text to note 1094.

1036 XVI. 10.

37 The sixth leaf of the eighteenth quaternion.

*capite census*¹⁰³⁸. Cicero reckoned 96 centuries for the last four classes and the six odd centuries attacht to them: which number is made up, if, after the *accensi*, *velati*, *liticines*, *cornicines*, we place two more; to wit, the *proletarii* and the *capitecensi*³⁹. Thus there would be 195

¹⁰³⁸ Let nobody guess that it was the century *ni quis scivit*; which was improperly termed a century, and was only called into existence when some one stated that he had neglected to vote in his own.

³⁹ Cicero has unfolded the whole system of this constitution with admirable skill, at the very time that he declines giving a dry list of the classes. Ignorant scribes indeed, and that unfortunate set of book-correctors who waited in the train of the booksellers of antiquity, and who, as they even boast in the declarations at the end of their manuscripts, improved them for sale *sine libris pro viribus ingenii*, found him unintelligible; and thus through careless transcription and stupid and rash alterations did that hideous corruption arise by which the passage is disfigured. I have the same clear and conscientious conviction that the restoration I have set forth in another place is correct, as I have of the truth of my historical propositions. (The emendations suggested by the author in Mai's edition were afterward reconsidered by him in a tract *Ueber die Nachricht von den Comitien der Centurien im zweyten Buch Ciceros de re publica*, and in a controversial *Duplik gegen Herrn Steinacker*). Perhaps others will feel no less certain, if they can but clearly see the manner in which the corruption was produced. That a person not familiar with manuscripts, and especially with very old ones, however free he may be from prejudice, or however capable of pronouncing an opinion on critical questions, will still find it difficult to enter into the following description, may easily be supposed: but this deficiency does not give him any higher title to pass judgement. The clew in the labyrinth, as must be evident on a candid consideration of the passage in its disorder, is this: Cicero divided all the centuries into two masses: one contained the first class and the carpenters attacht to it; the other all the rest, the knights and the 96 centuries. And then he says: if from among the latter the knights alone joined the former, the 96 centuries, even if they kept inseparably together, were outvoted.

The text in its sound state ran thus: *Nunc rationem videtis esse talem ut prima classis, addita centuria quæ ad summum usum urbis fabris tignariis est data, LXXXI centurias habeat: quibus ex CXIV centuriis, tot enim reliquæ sunt, equitum centuriæ cum sex suffragiis solæ si accesserunt etc.* In a passage of this kind a reader will commonly go over the calculation; and thus some one having written on the side *decem et octo*,

in the whole; a number which is confirmed by another relation. For the 98 centuries formed by the knights and the first class being set in opposition to all the rest so as to outvote them, it is natural that they should amount to just half the sum total and one more: and such is the case, if the lesser half consisted of the four lower classes, the six centuries just mentioned, and the carpenters; in all 97. The carpenters, though stationed alongside of the first class, were yet by their nature estranged from the aristocracy of birth and wealth¹⁰⁴⁰.

The proletarians and *capitecensi* were not only inferior to the *locupletes* from the insignificance of their share in the right of voting, but to all the assiduers in their civil capacity and estimation. It is an obscure question how one citizen was a *vindex* for another: none however but an assiduer could be so for his fellow*:

the number of the centuries in the equestrian order, the words crept into the text of a manuscript; so that the clause now ran: *equitum centuriæ cum sex suffragiis decem et octo solæ si accesserunt*.

Now a line of this was left out—the words *eq. c. c. s. suff. x. et*—then supplied in the margin, and in the transcript foisted into the wrong place, after *talem ut*; so that now the passage was sheer nonsense, and read as follows: *Nunc rationem videtis esse talem ut equitum centuriæ cum sex suffragiis x et prima classis ad. c. q. a. s. u. u. f. t. e. d. LXXXI. c. h. q. e. CXIV. c. tot enim reliquæ sunt octo solæ si accesserunt etc.*

Next came an ignorant emender, and fancied to put sense into it out of his own head. The word *octo* had remained in its place: soon afterward the 96 centuries are spoken of: now as 96 and 8 make 104, *CXIV* was altered into *crv*. In the same way *x* was struck out further back after *suffragiis*, because it did not give even a shadow of meaning. As to the *LXXXVIII*, it arose from a reader adding up the same *VIII* with the *LXXXI*.

¹⁰⁴⁰ Consequently Cicero might certainly have exprest himself much more simply than he does in the passage explained in the last note; if in treating of this obsolete matter he had recollected that the carpenters in rank belonged to the upper half, in character to the lower. This is a further proof that there can have been only one century of them: and so of the other six each belonged to a particular class of people.

* Gellius *xvi. 10* from the twelve tables: *Assiduo vindex assiduus esto: proletario quoi quis volet vindex esto.*

and the phrase *locuples testis* demonstrates that even in giving evidence there was a distinction humiliating to the poor¹⁰⁴¹. Where such was the case, it is impossible to suppose that the proletarians were eligible to plebeian offices. But to make amends for this they were exempted from taxes⁴².

Whether the five classes were on a perfect level as to their eligibility to offices, is a point on which nothing is known. What is said concerning their being represented by the tribunes when the number of these was raised to five*, seems certain; and therefore probably each severally elected its deputy, and out of its own body.

The sums at which the plebeians and ærarians stand rated in the census, were not the amount of their fortune after our notions, which account every source of income capable of transfer by inheritance or alienation a part of the capital; but only that of such property as they held in absolute ownership; perhaps to the exclusion of many kinds even of this. I have said, the plebeians and ærarians: because it can hardly be supposed that the patricians originally gave in any return of their fortune and paid a tax upon it; the census furnisht no measure for their wealth. For the estates in the public domains which they possest and enjoyed the usufruct or made grants of, transmitting by inheritance the same possession and right of making such grants, under a reservation of the sovereign's title to resume the lands and to dispose of them otherwise, cannot have been returned by them as property. They were only a possession for a time: such refinements as those by which modern nations extract a partial value, to be

1041 That *locuples* and *assiduus* were equivalent, we learn from Cicero de Re p. ii. 22. Gellius too says: *Assiduus in duodecim tabulis pro locuplete et facile facienti dictus*.

⁴² The etymology for the name of the opposite class, the *assidui*, *ab asse dando*, from their being liable to be taxed, is evidently right.

* See note 1360.

considered as absolute property¹⁰⁴³, from a life-interest, were unheard of among the ancients. As to the persons liable to taxation, it is clear that all those things, which, as objects of Quiritary property, were in the strictest sense called *res Mancipii*⁴⁴,—such as brass-coin, houses, parcels of land, the rights attached to them, buildings and implements on them, slaves, beasts of burthen and draught, and horses—were comprehended in the census. But this statement of the jurists was probably much too confined for the early ages, even as a list of such things as belonged to that particular kind of property: flocks of smaller cattle appertained to husbandry, just as much as beasts of draught and burthen; nor would the transfer of property in them be attended with fewer formalities; although it was not worth the trouble to employ the balance and to call witnesses for the sale of a single goat or sheep. Gaius pronounces silver and gold to be *res nec Mancipii*: yet Fabricius and Rufinus gave in a return of their wrought silver to the censor*: and so, even if *res Mancipii* and *censui censendo* were equivalent from the beginning, we cannot draw any certain conclusion from the lists in him and in Ulpian as to the extent of the objects which made up the census of a Roman citizen. It is at least possible that at one time every thing which did not come under the head of mere possession, granted whether by the state or by a patron, was *res Mancipii* and was called so; that the title to a ship might be maintained in court by the same process as that to a house; and that all this was reckoned into a person's capital. But a decisive discovery on this point is just as little to be hoped for as on the mode of assessing the capital. An actual valuation would have been impracticable: mention is made

¹⁰⁴³ For the sake of representing a freehold.

⁴⁴ If scholars, remembering how the genitive *Tulli* and the like are written, would be content to regard *Mancipi* as the genitive of *Mancipium*, property, and would make this apparent by their way of spelling it, we should be rid of an unprofitable puzzle.

* Florus i. 18. 22: and the passages quoted by Camers in the note.

of a formulary used by the censors¹⁰⁴⁵: hereby we must doubtless understand a table of rates for every kind and sort of taxable objects, which rates might be applied to particular cases by multiplication.

Not only however were many elements of wealth omitted in the census: what made it still more inadequate as a criterion of property, was, that debts, as the sequel of this history will shew, were not deducted*. It would be a most fruitless effort, to pore over the numbers in the scheme of the centuries with the hope of discovering what may throw light on the wealth of Rome.

A peculiar stumbling-block in every attempt to make out the nature of the census lies in the numbers employed as measures of property; which sound so enormous. In an explanation of the institutions which are handed down as the acts of Servius Tullius, this difficulty must somewhere or other be elucidated; more especially, since the coining the first Roman money is also attributed to him: wherever such a discussion were inserted, it would be an episode; and my reason for introducing it here, before the inquiry into the nature of the tribute which corresponded to the census, is, that I believe there is no other place where it would not still more interrupt the connexion.

Dionysius gives the census of the classes in drachms, whereby he means denaries: for these were originally minted of the same weight and value with the Greek silver coin; and even after they had been clipt and debased, it continued usual, at least in the language of books, to call them by the Greek name. His numbers in drachms are exactly the tenth of Livy's, whose estimate is in ases⁴⁶: and this was the proportion between them, before

¹⁰⁴⁵ Livy xxix. 15. *Placere censum in coloniis agi ex formula ab Romanis censoribus data.*

* See the text to note 1287.

⁴⁶ With regard to the fifth class they followed accounts that did not agree: see p. 435.

the as was lowered to an ounce in weight. But the ases weighing the sixth of a pound, with which the statement of Dionysius agrees, were themselves on a reduced scale: and it is impossible to discard the question, what was the value in silver of the sums enumerated in the census at the time the centuries were instituted; when, as is universally assumed, the as weighed a full pound. The first thought that suggests itself is, that it must then have been worth in silver $\frac{6}{10}$ ths of a drachm, or nearly 4 obols.

It was a remarkable and very singular peculiarity of the nations in the middle of Italy, to employ copper in heavy masses for their currency, not silver: whereas the southern provinces, and the coast as far as Campania, though the mode of computing by ounces was not unknown even in Sicily, made use of silver-money. That the Etruscans, Umbrians, and some of the Sabellian tribes coined copper, is proved by the inscriptions on specimens that remain: as to the Latins and Samnites, no such pieces of their money with inscriptions have been found, any more than silver coins of theirs belonging to an early age¹⁰⁴⁷. But the great variety in the form of the ases without inscriptions shews that they must have been minted in a number of towns: the large sums of brass-money the Roman armies obtained amid their booty in Samnium, while but an inconsiderable quantity of silver was carried home in the triumph, evince that the former was the currency there: so was it undoubtedly in Latium: and a part of those nameless coins probably belonged to these two nations. Rome had the same currency; and according to a tradition, which very clearly proves how far and wide Servius Tullius was celebrated as the author of all institutions on civil matters of importance, he was named by Timæus as the person who first stampd money at Rome;

¹⁰⁴⁷ The denaries of the Latin colonies are all of them more recent than the oldest Roman ones.

the people before his time having employed brass in the lump, *æs rude*¹⁰⁴⁸.

We will let this account take its place by the side of other stories about our hero: a further statement connected with it, that the impress on the first ases was an ox, must be rejected as positively wrong. For a piece with that impress has been preserved⁴⁹, as to the genuineness of which there can be no doubt: an impostor would have given it the full weight of a pound; but it weighs only eight ounces: and although no Roman as hitherto discovered is quite equal to a full pound in weight, there are many far heavier than that one; nor indeed have we any ground to question there having been ases of full weight, though they have now disappeared. The pieces that Timæus had heard of were not coined till after the standard had already undergone several reductions. There would be nothing unwarrantable in supposing that this unusual image contained an allusion to the law of the consuls C. Julius and P. Papirius, who, certain fines having been imposed in head of cattle, fixt the value of each several head in money⁵⁰.

If instead of money, properly so called, which is only a measure of value, some commodity or other, which as such is an object of demand, be employed, one of the disadvantages necessarily connected with it is the inconvenient size of the particular pieces: thus it is with the pieces of cloth or of rocksalt in Abyssinia, with the cocoa in Mexico; and thus it was with the brass in ancient Italy. The brass I say: for it is only to avoid singularity of expression, when it can be avoided, that I follow others in giving the name of copper-money to what in reality was bronze; copper, made more fusible by an admixture of tin⁵¹ or zinc. How very general the

¹⁰⁴⁸ Pliny, H. N. xxxiii. 13.

⁴⁹ Eckhel Doctr. num. vet. v. p. 14. The oblong pieces with an ox on them (p. 11) belong likewise to this class.

⁵⁰ Cicero de Re. p. ii. 35, compared with Gellius xi. 1.

⁵¹ As Klaproth has proved by analysing some.

use of this metal was, is proved by the armour of the Servian legion: and there can be no question that all the better household utensils were of the same material. Thus brass was a thing of daily need; and the masses of it were so easily transformed by fusion, that no loss was incurred by that process; at the same time the impress upon it saved the trouble of weighing. Nothing but a very illtimed recollection of our own customs with regard to money has given rise to the notion that the quadrangular or oval pieces were not money just as much as the round: and in this manner it may be perfectly well explained how pieces were coined of still greater weight than an as, up to a *decussis*. Even in late times, perhaps in those of Timæus, the Ligurians, poor as they were, had shields of brass¹⁰⁵². This general use implies its abundance and cheapness: to be employed for the armour of all the hoplites brass must have been procurable at a lower rate than iron: and indeed foreign traders in the Homeric age bring iron to Italy, to obtain a cargo of copper⁵³. The produce of coppermines is very variable; and those of Tuscany, especially in the country about Volterra, not to mention that in that depopulated region they may be neglected without sufficient reason, may now be exhausted, and notwithstanding may once have been immensely productive: to this was added the produce of the mines in Cyprus, ascertained to have been enormous; the influx of which into Italy is attested by the Latin and our own name for the metal. The dependence of

¹⁰⁵² Strabo iv. p. 202. d.

⁵³ See above p. 63, note 195. Mr Arnold, the scholar who introduced the first edition of this history to the English public by a friendly review, has called my attention to an opinion of Werner's—which a German indeed ought not to have had suggested to him by a foreigner—that copper, which of all metals is the oftenest found pure in the ore, for this reason probably was also the first that was wrought. He further remarks in support of the view in which it gives me pleasure to find him concurring, that the Massagetes according to Herodotus (i. 215) had only brass, no iron.

that island upon the Phenicians in very remote times opened a way for this to the Punic marts; and Carthaginian vessels must have brought it into Italy. The low price consequent on such plenty agrees with every thing that is known concerning the quantity of brass-money and its value in the times before the introduction of silver-money. Ten thousand pounds of it for the purchase, two thousand annually for the keep of a knight's horse, are sums which, according to the weight and the marketprice, would in later times have been so extravagant as to be utterly inconceivable. The heavy copper-money was piled up in rooms¹⁰⁵⁴; and it is recorded that during the Veientine war some persons sent the tribute they owed to the state in waggonloads to the treasury⁵⁵. The younger Papirius in his triumph after the Samnite war brought above two million pounds weight of copper-money*; Duilius still more⁵⁶: in both cases the money of this kind far surpassed in value the silver taken in the same war. Whether at the time when the census was introduced the as was still full weight, or had already become lighter, is beyond our knowledge: thus much however is evident from a comparison of prices, that Dionysius, so far as any thing like a proportion can be made out, was justified in assuming that the old as was of the same value relatively to silver with the as reduced to the weight of the old sextant: in other words the weight of the brass-coin was diminished, because the metal had become so much dearer in comparison with silver.

It is a gross mistake in Pliny,—and one quite unpardonable, since he must a thousand times have seen pieces of money which palpably confuted his error,—to regard the first reduction of the as which he seems to have found recorded in the Annals, as the first actually

¹⁰⁵⁴ Varro de L. L. iv. 36. p. 50. Non in arca ponebant, sed in aliqua cella stipabant.

⁵⁵ Livy iv. 60.

* Livy x. 46.

⁵⁶ 2100000: as appears from the inscription on the column.

made. Even at the present day every collection of pieces of heavy copper-money contains the most striking evidence that the weight was only lowered to two ounces by degrees¹⁰⁵⁷. The rise in the price of copper is attributable to the same causes which enhance its value when the currency is in a nobler metal; to the decrease in the produce of the mines, and the increase in its consumption and exportation. The weight may have begun to be diminished very early: if however the coin which Timæus held to be the oldest, referred, as I have suggested, to the establishment of a determinate sum for mulcts, at the time of that measure it was still four times as heavy as after it had been lowered in the first Punic war. Now as the consuls Julius and Papirius valued a sheep at ten ases, so at Athens, where the currency was silver, it was rated by the laws of Solon at a drachm⁵⁸: an ox, which the Roman law estimated at a hundred ases, at Athens was only worth five drachms. It is probable that between the time of Solon and the Peloponnesian war there had been a general rise of prices through Greece and Italy; and an ox at Rome too about the year 160 may probably have sold for no more than fifty ases: what I am aiming at is only to shew that of the heavy ases, no less than of the lighter, ten may on the average be taken for equivalent to a drachm. On this point the prices of corn are decisive: if the diminution in the weight of the as had lessened its value as money, there must needs have been a nominal increase in the price of corn.

This was regarded as singularly low about the year

¹⁰⁵⁷ It would throw light on the history of the arts, if the impresses on the ases and the lesser coins were examined, in connexion with the gradual diminution in their weight; for they exhibit the execution of the artists in a regular series through more than two centuries. The most recent may have followed ancient models: in the oldest we see what the art was already able to effect.

⁵⁸ Gellius xi. 1. Demetrius Phalereus in Plutarch Solon. c. 23.

314, when corn fell to an as a modius: but an equally low price was recorded by the chronicles in the year 504, when the as no longer weighed more than two ounces¹⁰⁵⁹: and a hundred years later, when copper-coins, having been reduced to a twelfth of their original weight, were merely used for a small currency, and all prices were rated in silver, wheat often sold in Cisalpine Gaul for no more than two light ases⁶⁰. On the other hand after the dictatorship of Sylla the modius in Sicily was at two or sometimes three sesterces, that is, from 8 to 12 depreciated ases, two to the ounce⁶¹: and these were customary prices in an age when the money-value of every thing had risen to several times its ancient amount; while the former was so extremely low as to be noticed in the chronicles. Now had not the price of brass been continually rising, so that the weight of it which corresponded in value to a fixt quantity of the universal currency, silver, was constantly diminishing, the price, which three centuries and a half before was unusually small, must have been twice or thrice as high as the above-mentioned common marketprices.

The deteriorating the coinage in the manner usual among barbarous nations and in ages of ignorance is mostly to serve very gross, nay profligate ends: nevertheless there may also be a state of things in which it is wise, and even necessary, to adopt a lower standard. Through a nation's own fault its own smaller currency, or through circumstances that could not be forestalled lighter money from abroad, may have become predominant and have driven the

¹⁰⁵⁹ Pliny xviii. 4. As this was in the first Punic war, Italy must at that time have been accustomed to export corn, and was then suffering from a glut owing to the stoppage.

⁶⁰ Polybius ii. 15. He says, the Sicilian medimnus often sold for 4 obols, or two thirds of a drachm: the denary already consisted of 16 ases. Borghesi has completely proved that the last diminution of the as did not take place till the time of Sylla.

⁶¹ Cicero against Verres 2. iii. 75.

heavier out of circulation : attempting to restore it were to swim against the stream, and can only breed mischief and disgrace. If a state has fallen into the unfortunate system of paper-money, and this sinks in comparison with silver, then, should a juncture of favorable circumstances furnish the means of reestablishing a metallic currency, it is altogether absurd, nay purely disastrous, to make the metal resume its place with its standard unchanged, and the sums in all contracts abide by their nominal amount, while it is impossible to keep up prices at the highth where they stood at the time of the paper circulation¹⁰⁶². Nay if, even without paper-money, all prices have for a course of years been forced up by extraordinary circumstances far above the mean of those which prevailed during the preceding generations; if the expenses and burthens of the country have increased at the same rate; and then at length this feverish condition subsides, and every thing drops down for a continuance to the lowest average prices; in such a case the only hope of safety lies in a proportionate reduction of the standard: and to this result common sense led men in former times, whereas theory and delusion now cry out against it⁶³. At Rome the exigency was still more pressing. As in the middle ages, from the constant and unreplaced efflux of money toward the East, silver became scarcer and scarcer on the north of the Alps, and all prices

¹⁰⁶² In this way the state has to pay a fictitious debt: whereas of itself every funded system, if prolonged without a reduction, first breeds a herd of lazy and ignorant fundholders, and of beggars, and after all ends in a bankruptcy, only too late.

⁶³ In the years from 1740 to 1750 corn in England sold for about three fifths of the price it had stood at 60 years earlier: in France the prices at the two epochs were nominally equal; because the standard had been altered in the proportion of 13 to 20. Supposing now that the landed property in the two countries had been generally burthened with mortgages, thousands, who in the former must have been ruined, would have been saved in the latter; and that not only among the proprietors who would have retained their inheritance, but even among the mortgagees.

kept on progressively falling; so at Rome, as we have seen, copper gradually grew dearer in comparison with silver, and consequently with all other commodities: and this, although Rome had no national debt, and her citizens no hereditary mortgages, must still have produced extreme hardship and distress in abundance of instances. The pay to the horsemen and footsoldiers stood fixt at a stated number of ases: and though the countryman now received fewer ases for his crop, he had nevertheless to pay the same sum as if money were not worth more than before. This of itself would settle the question: without doubt however the times when reductions were resolved upon, were chiefly those when the state was desirous of relieving the debtors: and history presents so many such occasions, that there is surely ground for believing we may discover with tolerable accuracy when those progressive diminutions in the weight of the as, which the collections exhibit, took place.

After Rome had acquired the dominion over Campania and the south of Italy, where silver was in general circulation, more complex causes were at work. The tithes and farmed duties would come in from thence in silver: the silver coined in the South with the superscription of Rome undoubtedly circulated within the city itself: at length denaries were issued as the national money. Now if in doing this a false proportion was assumed; if a *decussis* of thirty ounces in weight,—on which scale, as the number of pieces we find infer, the coinage must have stood still for some time, although for a much shorter than on that of four ounces to the as¹⁰⁶⁴—was worth more than a denary; things must have gone on as they do now, when it is attempted to keep gold and silver in fixt and false proportions beside each other in circulation: the metal which is rated too low quits the country⁶⁵. A

¹⁰⁶⁴ Here surely I may say with confidence, ever since the secession to the Janiculan; that is, during about thirty years.

⁶⁵ That trafficking in money and speculations in different sorts of it

direct proof that such was the case with the Italian copper-money, is supplied by the immensely large sum which Duilius brought out of Sicily, although the currency there was that of the Greeks, silver and gold: so that the copper must have been introduced by traffic; in exchange for silver. Now if brass grew dearer in consequence of the Punic war, because the importation of Cyprian copper and of tin was stopt, the republic had no more choice whether she would lower her ases to the weight of a sextant or not, than France had forty years ago about altering her gold coinage. If such a measure was not taken, all the money of that metal would go out of the country; and the state lose as much as its nominal value was too low. The rise of copper still continued; and two ounces were still too heavy: but when the weight was reduced to one, this was going too far, and it was necessary to make the sesterce equivalent to four ases.

It is our duty attentively to investigate in what way the authors through whom we derive our knowledge of ancient history, have been led to the misunderstandings they have fallen into; and thus to find an excuse for their errors, instead of abusing them. This like every act of dutifulness has its reward: for the discovery of the place where they went astray from the right road, establishes its course. Pliny confounded the as which was employed to measure the amount of the *æs grave*, with the full-weighted coin. The former was resorted to from necessity; since copper-money was used so far and wide, but in all varieties of size: everywhere the weight was reduced, owing to the same causes as at Rome; but, inasmuch as it was in towns wholly independent of each other, the reductions were different in different places. All these monies were of the same metal; nor had a state any motive

were by no means unknown to the ancients, is proved by a remarkable passage in Xenophon de Vectigalibus 3. 2. The attic drachms were of fine silver; and Xenophon was very well aware that a state promotes its own advantage by coining good money.

for forbidding any coin but its own to circulate, since a seignorage was a thing unknown to antiquity: accordingly a hundred pounds, whether in the newest Roman money or in mixt sorts, were of the same value¹⁰⁶⁶. To bring these to a common standard was the end served by the scales used in all bargains: these, as well as the witnesses, had an important purpose, and were by no means a piece of symbolical trifling. Had the old pounds continued undiminisht, and no others been current, the scales could never have been thought of: payments would have been by tale. The weight supplied a common measure for the national money and all these divers sorts; and no less so for the old Roman coins, without any necessity of melting them down, unless for every-day use; hence they might continue to circulate. It is an utter misapprehension to attach the name *æs grave* to none but the heavier sorts: it bore the same relation to minted ases, that pounds of silver do to pounds sterling. When the currency became silver, and the practice to count by sesterces, this whole mode of reckoning ceased: from that time forward wherever ases are spoken of, coined ones reckoned by tale are meant: so that an antiquarian might very correctly say that in the first Punic war the Romans passed from using pounds of copper to using ases weighing the sixth of a pound: and then the mistake into which Pliny, or the author he followed, fell, lay close at hand.

I return from this digression to treat of the census. Every Roman was strictly bound to make an honest return of his own person, his family, and his taxable property; and his neglecting to do so was severely punisht. The laws also provided the means for detecting false returns. All children on their birth were registered in the temple of Lucina; all who entered into youthhood in that of Juventas; all the deceast in that of Libitina; all sojourners

¹⁰⁶⁶ That this is more than a bare possibility, and that the greatest variety of pieces were in circulation at the same time, is plain from the coins which are often found in a single heap.

with their wives and children, at the Paganalia: obsolete institutions which Dionysius knew of only from the report of L. Piso¹⁰⁶⁷. All changes of abode or of landed property were to be announced to the magistrates of the district, the tribunes or the overseers of the *pagi* or *vici*: which Dionysius misinterprets into a prohibition against anybody dwelling without the region of his tribe⁶⁸. In like manner notice must have been given on every alienation of an article liable to tribute; and the purpose of the witnesses prescribed by law, who confessedly represented the five classes, was at least quite as much to trace the object of the sale for the census, as to ensure the proprietor. One sees that these enactments made it necessary that a good deal should be written; and for this to have been done in the service of the state is not at variance with the scarcity of books.

It was by the plebs that the regular tax according to the census was paid: its very name, *tributum*, was deduced from the *tribes* of this order⁶⁹. It was an impost varying with the exigencies of the state, regulated by the thousands of a man's capital in the census; but not a property-tax anywise corresponding to the income of the tributary class: for the stories about the plebeian debtors plainly shew that debts were not deducted in the valuation of a fortune*. It was a direct tax upon objects, without any regard to their produce, like a land and house-tax: indeed this formed the main part of it; included however in the general return of the census⁷⁰. What must have made

¹⁰⁶⁷ IV. 15.

⁶⁸ IV. 14.

⁶⁹ Varro de L. L. IV. 36. p. 49. Livy reverses this, saying, *tribus appellata a tributo*, I. 43. The tax was levied according to the tribes: Dionysius IV. 14: by the *tribuni ærarii*: Varro IV. 36.

* See the text to note 1287.

⁷⁰ Beside these two taxes, it embraced several of those which in England are called *assessed taxes*; only there were differences in the mode of raising them. With regard to landed property at least the only possible method was for a survey to be taken according to regions,

it peculiarly oppressive was its variableness¹⁰⁷¹. It did not extend below the assiduers: the proletarians merely made a return of what they had. The notion of their paying a polltax is built on an unfounded interpretation of the *tributum in capite*, or more correctly *in capita*⁷², which is mentioned as distinct from the tribute according to the census, and the nature of which I believe will appear from the following explanation.

The purchase-money for a knight's horse is called by Gaius *æs equestre*⁷³: the right there was to distrain for it need not excite any doubt about Livy's statement, that it was paid out of the common treasury; since the same summary process was granted against the *tribunus ærarius* for the *æs militare*⁷⁴. The annual provision for a knight's horse the lawyer terms *æs hordearium*. With regard to the latter, Livy's account, that every knight received it from a widow, sounds exceedingly strange: for, even if it was confined to but a few hundred, so large a number of rich widows seems inconceivable. In the first place however the word *vidua* is to be understood, after its

corresponding with the census; so that if an estate was sold to a Latin or a Cærite not resident at Rome, it did not escape paying tribute, although the owner could not be cited in person.

¹⁰⁷¹ The distress and weakness of Rome down to the passing of the Licinian law are a memorable instance of the evils that ensue from making a land-tax the chief source of national revenue; more especially when it is borne by a single class, which thus finds itself in the same relation to such as are privileged, as a landholder in a heavily taxed country to one where the burthens are less.

⁷² Festus v. *tributorum conlationem*. As the *tributum in capite* stands first in the list, it assuredly cannot have been insignificant. When, to shew the last honour to a statesman, a general decree of the people provided for his funeral (p. 422) by levying a quadrant or sextant ahead, this indeed was also a *collatio in capita* (Livy II. 33), but of another kind; and the proletarians had the honour of joining in contributing what even the poor could give.

⁷³ IV. 27. By the by, *ab eo qui distribuebat* cannot stand there, and must be changed into *a. e. q. æs tribuebat*.

⁷⁴ Cato in Gellius VII. 10.

original meaning, which is recognized by the Roman jurists, of every single woman generally, maiden as well as widow¹⁰⁷⁵; and therefore of an heiress (*ἐπίκληρος*): and besides Livy has also forgotten the orphans. Cicero, in citing the example of the Corinthians, among whom the knights horse-money was paid by rich widows and orphans⁷⁶, as the prototype of the Roman institution, obviously ascribes the same extent to the latter: and thus we have a perfect explanation why the orphans and single women (*orbi orbæque*) are mentioned apart in the population-returns⁷⁷. It is true they did not come under the general principle of the numeration: boys, who were not yet called out to military service, could not stand in their own capacity registered in a census which represented the muster-roll of an army with everything belonging to it; still less could women of whatever age; they could only be set down under the *caput* of a father or husband. But the peculiarity in the mode of taxing them was the decisive cause of their omission. If the bachelors were bound to pay on the same footing with those two classes, as Camillus is said to have enacted, it can only have been for a season⁷⁸: there was not the same cause here. For in a military state it could not be esteemed unjust, that the women and the children were to contribute largely for those who fought in behalf of them and of the commonwealth.

¹⁰⁷⁵ In consequence of the change that had already taken place in the use of the word, this explanation was given by Labeo; in the abstract of Javolenus l. 242. D. de verborum signific. Viduam esse non solum eam quæ aliquando nupta fuisset, sed eam quoque mulierem quæ virum non habuisset: and even Modestinus still in his time says l. 101. eod. tit. Adulterium in nuptam, stuprum in viduam committitur.

⁷⁶ De Re p. ii. 20.

⁷⁷ The common phrase in Livy is; *censa sunt civium capita,—præter orbos orbæque*.

⁷⁸ Plutarch Camill. c. 2. His notion that the orphans had previously been exempt from tribute must go for nothing.

The same was reasonable with regard to those who were defended and protected by the state without being bound to military service: for only such as belonged to a plebeian tribe came under the regular annual conscription: others were called out merely in extraordinary cases, and when civic legions were formed. If any one was turned out of a tribe, he thereby lost the right of serving in the legion: levies were made according to the tribes¹⁰⁷⁹; for which reason moreover the century in the original legion consisted of thirty men, one from each tribe; and was reckoned by the annals at twenty for the time when the tribes were reduced to that number⁸⁰: this principle of raising troops by the tribes lasted as long as there was any distinction between the plebeians and ærarians. It appears probable to me that the centuries were so constructed as to include all who in any manner of way bore the name of Romans: although the exclusive obligation of the plebeians to serve leads us to suspect that originally they alone formed the classes. But be this as it may, the clients of the patricians must have been admitted into them very early; for by their

1079 Dionysius iv. 14. I will transcribe this passage, which I have already often referred to, in the manner in which it must be read and stopt: the words in brackets are interpolations. Τοὺς ἀνθρώπους ἔταξε τοὺς ἐν ἐκάστη μοίρᾳ οἰκοῦντας μήτε λαμβάνειν ἑτέραν οἴκησιν, μήτε ἄλλοθι ποῦ συντελεῖν· τὰς τε καταγραφὰς τῶν στρατιωτῶν καὶ τὰς εἰσπράξεις τὰς γινομένας τῶν χρημάτων εἰς τὰ στρατιωτικὰ καὶ τὰς ἄλλας χρείας, ἃς ἕκαστον ἔδει τῇ κοινῇ παρέχειν, [καὶ] οὐκ ἔτι κατὰ τὰς τρεῖς φυλὰς τὰς γενικὰς, [στρατιωτικὰ] ὡς πρότερον, ἀλλὰ κατὰ τὰς τέσσαρας τὰς τοπικὰς [καὶ] τὰς ὑφ' αὐτοῦ διαταχθείσας ἐποιεῖτο. His error in taking the four civic tribes for the only local ones is of no consequence.

In a war of little importance when only half a complete army was to be sent out, the number of the tribes being then twenty-one, soldiers were levied from but ten of them. Livy iv. 46. Decem tribus sorte ductæ sunt; ex his scriptos juniores tribuni ad bellum duxere.

⁸⁰ The passages that prove this, as their meaning would not be quite clear yet, will be found below in note 1093.

means their patrons exercised great influence in the elections: nay, when the plebeians made desperate by oppression withdrew from the comitia, the election might still be concluded without apparent informality by the clients alone¹⁰⁸¹. At the same time they were so far from serving in the legions, that, during the first disputes with the plebeians, the arming the clients in their stead is only talked of as a measure of extreme necessity*. The story that in the earliest ages of the consulship the isopolites voted in the centuries, may be altogether apocryphal: still it shews what the ancient institutions were; just like the above-mentioned pretended protocols of solemn transactions under the kings⁸². In later times every Italian, on complying with certain conditions, was entitled to remove to Rome and be registered there; and, like the slave who received his freedom and secured it by getting enrolled in the census with his master's consent, necessarily acquired the civic franchise, without however thereby becoming the member of a tribe†. But as to those early times we are never likely to make out whether every town entitled to an interchange of franchise did not perhaps form a bond of hospitality with some family or some house; whereby such of its citizens as settled at Rome found a clientary relation already established, which they were forced to adopt: or whether it was left to the option of such

¹⁰⁸¹ See below notes 1307—1308. It is true the example in the former of these notes, belonging to the times anterior to the decemvirate, may perhaps have got into the annals from a confusion between two distinct states of things.

* Below note 1314.

⁸² See above p. 340. Unless indeed the story that Cassius wanted to carry through his agrarian law by their means originated with a very late annalist, who transferred to that age the proceedings under the Gracchi. If the grounds for it existed in the pontifical books, this at least was forgotten, that evidently the right of voting could only be exercised by such as were settled at Rome with property equal to that of the class they claimed to belong to. See the text to note 365, vol. II.

† Below note 1320.

Latins and Cærites to choose a patron or to maintain their own interests in person. At all events thus much is certain, that they and the descendants of freedmen were ærarians, and were not enlisted in the field-legions. So that the exacting a higher tribute from them was just as fair as from the purveyors for knights horses: and since their fortune was in the main of a totally different kind from that of the plebeians or free landholders, being the produce of commerce and trade, a different system was also appropriate; that of taking an estimate of the property of each individual¹⁰⁸³. This arbitrary taxation arose so essentially from the circumstances of the order, that it was even exercised against one of the most illustrious Roman citizens, when the abuse of a formal official right had degraded him from his tribe and placed him among the ærarians: the census of Mam. Æmilius was octupled by the censors⁸⁴. We may readily believe that every inhabitant also paid a stated sum for protection; but it must have been very trifling: now this, together with the rates imposed individually on the ærarians, and the funds for knights horses, must surely be the *tributum in capita* spoken of⁸⁵.

To an arbitrary taxation of this kind must the commonalty have been subjected before the legislation of

1083 They must have been subject to a tax something like that on permits for exercising trades, rated according to an estimate of the profits, such as prevails under the name of *Patentes* in France, of *Patentsteuer* and *Gewerbsteuer* in Germany.

⁸⁴ Livy iv. 24. Octuplicato censu ærarium fecerunt.

⁸⁵ The commentator on the orations against Verres, wrongly called Asconius, had correct information on this point: on the Divin. 3. Censores cives sic notabant ut—qui plebeius esset in Cæritum tabulas referretur et ærarius fieret; ac per hoc non esset in albo centuriæ suæ (the century here is taken as a *pars tribus*, see n. 1030); sed ad hoc esset civis tantum ut pro *capite suo* tributi nomine *æra penderet*. The text here is garbled. The Laurent. MS. Liv. 27, which Lagomarsini collated as being an authentic copy of Poggio's transcript, reads: sed ad hoc *non* esset civis: tantum *modo* ut p. c. s. æra *præberet*.

Servius, which substituted the regular tribute according to the census in its stead; and hence came the story that down to this time a polltax was paid, and the burthens of the poorest and the richest were equal¹⁰⁸⁶. This notion is sufficiently absurd, even when the meaning is, that the state was not to receive more from any citizen than the poorest could afford; but it is an almost unparalleled example of thoughtlessness for any one to have set down in writing, that Tarquinius the tyrant exacted a polltax of ten drachms ahead⁸⁷. Here again however we have a tradition, which ought not to be prejudiced by its sounding so irrational in the mouth of the reporter. Dionysius confounds the payer with the receiver. I shall shew hereafter, that a hundred ases were the monthly pay of a foot-soldier: for the present I will express my conjecture, that this pay, the *æs militare*, for which the soldier had in like manner an immediate right of distraining, was originally a charge on the *ærarrians*, as the funds for knights horses were on widows and infants: so that the rich had several to satisfy; while of the poorer sort several were clubbed together for the support of a single soldier. I am convinced that the very name of the *ærarrians* came from this *æs*: and that the change which is represented as the introduction of pay, consisted in its being no longer confined, as it had previously been, to the existing number of pensions chargeable upon the *ærarrians*; but so extended that every soldier received his share: that now however the plebeians also, along with the exclusive obligation to serve in the foot, were

¹⁰⁸⁶ Dionysius iv. 43. Ταρκύνιος κατέλυσε τὰς ἀπὸ τῶν τιμημάτων εἰσφοράς, καὶ τὸν ἐξ ἀρχῆς τρόπον ἀποκατέστησε, καὶ—τὸ ἴσον διάφορον ὁ πενέστατος τῷ πλουσίῳ κατέφερε. He had already said what amounts to the same thing under the reign of Servius Tullius. Livy too has: *Censum instituit—ex quo belli pacisque munia non viri- tim, ut ante, sed pro habitu pecuniarum fierent*: i. 42.

⁸⁷ iv. 43. Τοῦ δημοτικοῦ πλήθους—ἀναγκαζομένου κατὰ κεφαλὴν δραχμὰς δέκα εἰσφέρειν.

likewise made universally and regularly liable to tribute for paying the army. And this was the view of those annalists more accurately acquainted with ancient times, whom Livy follows when he relates how the tribunes of the people murmured that the tribute was only levied for the sake of ruining the plebs*: nor can the measure imputed to Tarquinius be understood in any other way.

As to the patricians one cannot suppose that they were taxed like the ærarians: what befell Mam. Æmilius was an arbitrary imposition. The other ranks might be satisfied, if the patricians paid on the same footing with the plebeians for property of the same kind, while for the national lands in their occupation they contributed some adequate portion of the profits¹⁰⁸⁸. That this was the case under the kings, is probable even from the great public works, the means for executing which were supplied according to the Roman custom by the *manubiæ*; that is, partly by the produce from the sale of booty; partly by the profits of the conquered lands, or the rentcharge on individuals for the usufruct allowed them. In aftertimes the patricians got rid of this charge; and hence, so long as they were sole rulers, no building worth mention was erected⁸⁹.

The same law by which the plebeians exclusively were bound and called out to serve in the infantry, and which regulated the armour every class was to wear, would of course forbid the ærarians to procure themselves a suit of armour. Even among the plebeians, only the three upper classes were heavy-armed: and since every one

* See note 1290.

¹⁰⁸⁸ The payment of a tax on profits among the Romans was a decisive proof that he who made it was only a usufructuary. The Greek notions on this point were different: among them Pisistratus at the time we are speaking of, Hiero three centuries later, exacted a tithe as a property-tax from the landholders.

⁸⁹ The tunnel from the Alban lake was a work enjoined by necessity.

had to equip himself at his own cost, the poorer, above all the proletarians, had not the means of providing the arms and armour without which they were no match for their richer brother plebeians. And though in those extraordinary cases where civic legions were raised and even the artisans were enlisted, and where the proletarian moreover was armed by the state, necessity produced changes in this respect, they certainly did not outlast the occasion.

From the very large number of the centuries in the first class Dionysius took it into his head,—and he has brought over all the moderns to his opinion,—that at all events it had to pay very dearly for its superiority in rank and weight; because it was incessantly under arms, and that too in a far greater proportion than the rest, making up nearly half the whole legion. Now though it is true the early wars were not very bloody, any more so than those of the Greeks were usually, before they took an entirely new character with the Sicilian expedition; still, such as they were, they must speedily have led to a mere mob-government, if the flower of the respectable citizens had thus been abandoned year after year to destruction. We must not allow ourselves to impute an institution of this nature to the Roman law-giver: it is worth while however to shew by other arguments than moral ones, which by many are little heeded, how far the opinion of Dionysius is from the truth.

The phalanx, which was the battle-array of the ancient Greeks, and which Philip merely adapted to the peculiar character of his subjects¹⁰⁹⁰, was the form in which the

¹⁰⁹⁰ Had not the Macedonians been barbarians, strong in body, rude in understanding; had it not been clear that in such a nation there must inevitably be a great scarcity of officers fit to be trusted with independent commands; had not Philip's destructive wars called for incessant supplies of raw recruits, who were to be made serviceable without delay; this great prince would assuredly have chosen a different system of tactics. But as it was he turned the materials which he had at his

Roman armies also were originally drawn up¹⁰⁹¹. The mode of arming the Servian centuries too is Greek throughout, without a single distinguishing feature of the Roman legion. The chief weapon, and indeed the only one the lansquenet could use until the battle was won or lost, was his spear; the length of which, even before Philip introduced the enormous sarissa, seems to have allowed that the fourth line should still employ it with effect; so that for every man in the first rank four spear-heads were stretcht out to meet the enemy. Here we get an explanation of the differences in the defensive armour of the Servian classes: where the second had no coat of mail, the third neither this nor greaves. They might be spared the expense: for their contingents made up the hinder ranks, which were covered by the bodies and weapons of the men before them. This fact, that the first class formed the van, was known to Dionysius.

Among the hereditary forms which have long outlived their causes, was the Roman practice of drawing up in file ten deep, handed down from the time when every century had thirty men. If the phalanx was uniform, such a century stood with three men in front: but if half of it was made up of men completely armed, while the other half were imperfectly so, it became necessary to form each century into six half files, instead of three full ones; so that the half-armed should be stationed behind the men in full armour, in the sixth and the

command to the best possible account: and this was all he wanted; since the Greeks, whose array was the same, persisted in that imperfect form of it, above which he had raised himself.

¹⁰⁹¹ Livy viii. 8. *Clypeis antea Romani usi sunt: deinde, postquam stipendiarii facti sunt, scuta pro clypeis fecere, et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies cœpit esse.* Dionysius in his account of the centuries, and in those of the earliest Roman wars, often talks of the phalanx; and this cannot arise merely from his wish to use a Greek word for the legion: for in speaking of an Etruscan army he mentions the force with which the phalanx drove the enemy down hill.

following ranks¹⁰⁹². Their mode of acting in the phalanx was almost entirely mechanical, giving force to its onset and compactness to its mass. If the number of centuries furnisht by the second and third class was only just the same as what the juniors of those classes voted with, they formed merely a third of the legion: the principle of the array would be the same; but it would have been in nine ranks, to avoid broken or mixt ones, which were contrary to the spirit of the ancient nations. And indeed the proportion between the numbers might tempt us to assume that this was the array, instead of the one in ten ranks: but we find a statement worthy of unconditional belief, which, rightly explained and understood, proves that the latter was the true one, and places the scale whereon the classes served with palpable evidence before us.

For this statement we are indebted to the kind genius that has taken occasions to all appearance accidental to preserve what, provided we are not lazy in searching, will always be substantially sufficient to revive the image of antiquity. The plan of the Roman consuls in the battle near Vesuvius to increase the strength of their army by departing from the beaten track of the usual order of battle, led an annalist well acquainted with ancient customs to describe that order; and he did it so ably that, though Livy quite misunderstood what he was transplanting into his history, it may be completely restored. The arms had already been altered; the phalanx resolved into maniples: but this resolution did not change its composition. No man ever conceived a greater

¹⁰⁹² Dionysius, vii. 59, says of the second class, τὴν ὑποβεβηκυῖαν τάξιν ἐν ταῖς μάχαις εἶχε· of the third, τίμημα εἶχον ἑλαττον τῶν δευτέρων, καὶ τάξιν τὴν ἐπ' ἐκείνοις. So in iv. 16, to the same effect, the youth of the first class χώραν κατεῖχε τὴν προαγωνιζομένην τῆς φάλαγγος ὅλης· that of the second ἐκοσμεῖτο ἐν τοῖς ἀγῶσι μετὰ τοὺς προμάχους· of that of the third στάσις ἦν μετὰ τοὺς ἐφεστῶτας τοῖς προμάχοις.

invention, than he who transformed that inanimate mass and organized it into the living body of a Roman legion; combining in it every variety of troops, as in an army complete within itself, the absolute perfection of a military division; prepared to overcome every battle-array and every kind of troops, every form assumed by the spirit of war in nations the most different from each other. But this too is one of those great inventors whose names are buried for ever in obscurity: and yet assuredly we read his name in the Fasti, although in history it is stript of its most brilliant renown, even if, as there is ground for suspecting, it was Camillus.

The time and place for explaining this order of battle in detail will occur hereafter. For the present those who have hitherto found me as far removed from hastiness as from insincerity, will take the following points as results, for the correctness of which I am their pledge until I bring forward my proofs. In the great war with the Latins the Romans still served according to the classes, but no longer in a phalanx. The first class sent forty centuries, the exact number of the junior votes in it: thirty of these formed the *principes*, ten were stationed among the *triarians*: who must doubtless have owed their name to their being made up out of all the three heavy-armed classes. The second and third in like manner furnished forty centuries; twenty apiece, double the number of their junior votes: ten of each score made up the *hastates* who bore shields, and ten stood among the *triarians*. The fourth and fifth class again supplied forty centuries: the former, ten, the *hastates* who carried javelins without shields; the latter, the thirty centuries of the *rorarians*; which again was double the number of its junior votes. Here we have three divisions, each of twelve hundred men: the first of *hoplites* in full armour; the second of men in half armour; the third without any armour, the *ψιλοί*: and we cannot fail to recognize that these forms belonged to the Roman state

in very remote ages: for the centuries are supposed to have their full complement, according to the original scheme, that of Servius, when there were thirty tribes¹⁰⁹³. The anxiety to preserve numerical symmetry is again perceptible in the contingent of the fourth class being no more than equal to the number of its junior centuries; while in all the other three lower classes it doubles the number of theirs: besides, being stationed among the lightarmed troops, a greater number of them was not wanted, and indeed if too great would have been an incumbrance. Now since the first class supplied the same number of centuries as the next two between them, we get the proportion conjectured above for the phalanx, five ranks of the former, five of the two latter.

¹⁰⁹³ At the time of the Latin war there were seven and twenty tribes; and consequently just so many soldiers in a century: but this variable number would have given rise to perplexities. To obviate misunderstanding, or from his own uncertainty, Livy calls that part of the legion which in our phraseology would be termed a battalion, by the indefinite words, *acies*, *agmen*; instead of the true name, *cohort*, which was afterward transferred to a very differently constructed part of the new legion. As the original number of the tribes furnished cohorts of nine hundred men, they cannot, when the tribes were reduced to twenty, have consisted of more than six hundred.

This was rightly understood by the annalist who wrote that in the Volscian war of the year 292 four cohorts of six hundred men apiece were drawn up before the gates of Rome: Dionysius ix. 71. In 290 the legate P. Furius, when the Æquians were storming his camp, fell upon them with two cohorts amounting to no more than a thousand men: ἦσαν δὲ δύο σπεῖραι, οὐ πλείους ἀνδρῶν ἔχουσαι χιλίων where the translation of Gelenius *duæ cohortes quingenariæ*, which is meant to be free, introduces an erroneous notion. They consisted of the principes, 600 instead of 900, and the heavy-armed hastates, 400 instead of 600: Dionysius ix. 63. Again L. Siccus commands a cohort of eight hundred veterans who were no longer liable to service; that is to say, twenty from every senior century of the first class: Dionysius x. 43.

With such accuracy were these fictions adapted to the forms of ancient times: and thus the foregoing statements evince that both these propositions were recognized as historically true—that originally there were thirty tribes, and afterward only twenty.

The number of the light infantry was half that of the troops in the phalanx; which agreed with the system of the Greeks. The *accensi* stood apart from the phalanx and the *caterva*, as they did apart from the classes. Their business being to take the arms and the places of the killed or missing; was easily managed in such an order of battle: for as soon as a gap was made, it was naturally filled up by the man who stood just behind, and the next to him advanced into his place; so that the substitute had to come in far back in the rear, where the mass of his comrades taught him perforce to stand, to march, to face about, and hardly anything was wanted but strength of limb. Well-trained soldiers were only needed as sergeants and corporals, or in the companies at the end of the line, which by wheeling round might become the head of a column; and in some degree in the companies that stood near the end.

Now although the first class was so far from being drained out of proportion to its numbers, that it rather looks, which however may be a mere delusion, as if the second had been unfairly dealt with from the love of numerical symmetry; yet the former did not gain its political privileges for nothing: for its centuries, as they formed the front lines, stood the brunt of the fight. The knights too purchased their precedence by a larger share of danger: for they were defectively equipt, easily disarmed, and more exposed than the rest to darts, and to the stones and lead of the slingers.

These hundred and twenty centuries standing under arms may perhaps have given sanction to the testament which the soldier made before battle: for in its original spirit this ceremony cannot possibly have been a mere declaration before witnesses; but was just as much a decree of acceptance by the community for the plebeians, as it was for the patricians when the curies legalized a testament or an alteration of gentile rights. And thus I have no doubt that the plebeian testaments were at

first accepted in the comitia of the classes, the *exercitus vocatus*, on the field of Mars: the place of which assembly, so long as the affair was a mere formality, might be filled by the lines in battle-array, the *viri vocati*; although here the votes were differently balanced*. This difference however, and the neglect of the rights of the first class, were far from immaterial, when,—what assuredly happened very much oftener than it has been recorded,—a real law was to be passed in the camp: as it is related that the decree of the curies against the Tarquins was confirmed by the army before Ardea. On such occasions therefore the constitutional proportion among the several classes was restored. If we call to mind the state of things, all the senior centuries were wanting: the junior, when the double contingents were reunited, came to 85; and besides there were the five unclassed ones, making ninety in all. Of these the first class with the carpenters had 41; the other four with the four odd centuries 49. Now a legion contained 300 horsemen, or ten turms; each of which was equivalent to a century of thirty men, and therefore no doubt voted like one: so that in this way the knights and the first class together had 51 votes, and exceeded the lesser moiety by two: all together made up just a hundred. What were the circumstances attending the law in the camp at Sutrium, by which a duty of five per cent was imposed on manumissions, is a very perplexing question; since it is stated to have been passed by the tribes¹⁰⁹⁴.

The regular comitia of the centuries of both ages assembled on the field of Mars; every century under its captain. Summoned by the king, or by the magistrate who occupied his place, they determined on such proposals of the senate concerning elections and laws as were put to the vote by the person who presided; with perfect

* See Velleius Paterc. ii. 5. Plutarch Coriolan. c. 9.

¹⁰⁹⁴ Tributim. Livy vii. 16.

liberty to reject them; but their acceptance did not acquire full force until approved by the curies. In capital causes, where the charge concerned an offense against the whole nation, not a violation of the rights of a particular order, they decided alone¹⁰⁹⁵: at least after the time of the decemvirs. As it may be considered unquestionable that the plebeians originally made their testaments in the field of Mars, just as the patricians did in the Comitium; so it would seem equally certain that, as an arrogation required a decree of the curies*, the adoption of plebeians must have taken place before the centuries. Nay the same may with great likelihood be conjectured of every transaction for the formal completion of which five witnesses were in aftertimes required. As the curies were represented by the lictors†, so were the classes by these witnesses, when the consent of the comitia had become a matter of course; and since the auspices, so long as the ancient customs prevailed, were no doubt taken, at least in all transactions materially affecting personal relations, the formality was fully sufficient.

The liberties of the commonalty, as forming a part of one branch of the legislature, were confined to this, that, if the legitimate course of things was not disturbed by force or by artifice, no national magistrate and no law could be thrust upon them against their decided negative. Out of their own body no proposition could originate; nor could any come forward and speak on the propositions laid before them. So that the sacrifice made by the patricians at this change was very trifling: there is no trace which would lead us to suspect that the senate was not composed

¹⁰⁹⁵ This at least is represented by Dionysius, when relating the trial of Coriolanus, to have been the principle of the constitution: vii. 59. On these occasions they would be summoned by the duumvirs of treason: and such Dionysius conceives to have been the process against Sp. Cassius: viii. 77: my scruples on which point I will bring forward in the proper place: see Vol. II, note 366.

* Gellius v. 19.

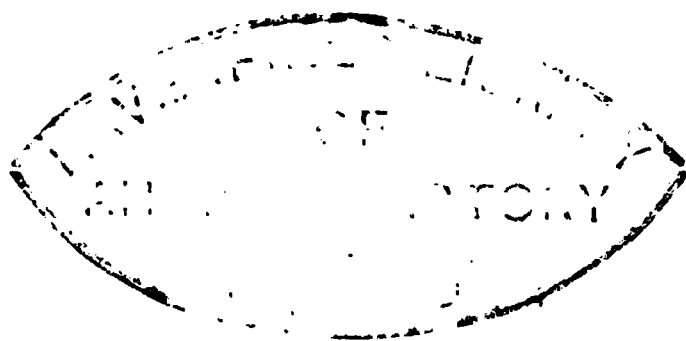
† Cicero de Leg. Agr. ii. 12. (31).

of them exclusively ; and if at any time a proposition offensive to their order was notwithstanding brought before the centuries and accepted, there was nothing to hinder the younger patres from throwing it out in their own comitia. On the other hand the patrician estate, and the government of which it formed the soul, possess influence and means for working on the centuries even within the narrow sphere of their authority, partly by the votes of the ærarians, partly by taking the assembly by surprise or tiring it out, so as to force decrees upon it directly adverse to the will of the plebeians.

Nevertheless it is said that these slight restrictions, and the measures which, without withdrawing anything from the houses in the other departments of government, merely gave the commonalty freedom, dignity, and respectability, were not conceded by the patricians according to the regular forms ; so that the whole wears the look of having been effected by the absolute power of the king : it is said that they took away the king's life in an insurrection, with which he had long been aware that they were threatening him.

So runs the tradition : and that there was at least a stubborn resistance on the part of the houses, we may presume with the same certainty with which even contemporary memoirs could establish it. For every oligarchy is envious, oppressive, and deaf to reason and to prudence. Not that these qualities cleave to a class bearing any particular name : it is the same spirit of oligarchy, under the smockfrock of the yeoman of Uri, who not only denies the sojourner all higher privileges, even though his forefathers have been settled in the canton for generations, but robs him of such bare common rights as he has long enjoyed¹⁰⁹⁶ ; and under the velvet mantle of the Venetian noble : the

¹⁰⁹⁶ I take this instance, because just now, as I am writing this, it has been brought forward in a remonstrance by the canton of the Grisons.



patricians in their conduct and character stood very much nearer the former than the latter.

What the patricians wished to perpetuate against the plebeians, was what the Spartans maintained against the Lacedemonians and the *περίοικοι*: and the history of Sparta is the mirror of what the Roman, but for the freedom of the plebeians, would have displayed. As the Spartans did not repair their losses by admitting new citizens, and did not spare their blood, they were reduced to so few, that after Leuctra their empire fell to pieces in an instant, and the existence of the state was only preserved by the fidelity of a part of the Lacedemonians. This however did not awaken the conscience of the Spartans; nor were their eyes opened when the greater part of the surrounding country joined their hereditary foes; when they found themselves living scattered about here and there in their spacious city amid an alien or hostile population; when they were forced to hire mercenaries for their wars, and to beg for subsidies from foreign princes. Thus their state continued strengthless, despised, and arrogant, dragging on an utterly morbid existence for a century after its fall: at last, when not even a ray of hope was left, its kings, to whom their country was not a matter of indifference as it was to the oligarchs, endeavoured to save it by a revolution which transformed those plebeians so long trampled under foot into a new Lacedemonian people. In this people the Spartans were merged, having in fact already become utterly insignificant: and in their stead the Lacedemonians appeared for a while with the splendour of ancient Sparta. But it was too late: revolution followed upon revolution, without any one condition lasting long enough to be endowed by opinion and custom with the saving power of legitimacy, which every constitution may acquire: the time had long since been let slip, when the Spartans might have secured to their posterity every thing they felt pride in, and far more, for as long a period as the mutability of human things will allow.

To institutions like those of Servius the consent of the order which afterward overthrew them, could not have been obtained except in semblance, by force or fraud. There was more frankness in the dealings of a prince, who felt himself called by heaven to decide what was fair and just before the tribunal of his own conscience, instead of letting it rest with the parties to be judges in their own cause: their claim to be so was founded on rights, of which the real substance had undergone a change, and the continuance was only nominal and apparent.

The well-established right of the individuals who composed the oligarchy to exercise the government, held only for that sphere within which their ancestors had enjoyed it; here too it had been narrowed in the same proportion in which they had sunk below their forefathers in number, importance, and force: and that which had become extinct among them, had transferred itself to the quarter where a new life had risen up. If they wished to preserve their own corporation unchanged, they were bound to replenish it and keep it fresh and full. As to the entirely new growth which had sprung up and was flourishing independently of that sphere, they had no manner of right over it: and whatever share in such a right might be granted them by compact was so much pure gain for them.

It is no encroachment on that which is already existing, for a new existence to awaken beside it: it is murder, to stifle the stirrings of this life; murder and rebellion against Providence. As the most perfect life is that which animates the most complex organization; so that state is the noblest, in which powers, originally and definitely distinct, unite after the varieties of their kind into centres of vitality, one beside the other, to make up a whole. The measure adopted at Athens indeed was unjust and mischievous, when Clisthenes, one of the nobles, from a grudge against his own order, by transforming the tribes levelled the distinction of ranks, and introduced an equality which led to a frantic democracy; Athens being

unaccountably preserved by fortune from falling under the dominion of tyrants. But Servius in no way trenched on the liberties of the Romans; those slowly earned liberties, with regard to which it was now forgotten that the minor houses and the secondary centuries were at first no less destitute of them, than the commonalty was now.

The time too came, when the manes of the proud patricians, wandering among their late descendants, and beholding the greatness achieved by them and by the whole republic through those very laws the introduction of which had so roused their indignation and seduced them into insurrection and into high treason, must, if indeed their country had been truly dear to them, have confest and been penitent for their blindness. Without these laws Rome like Etruria might have become powerful for a season; but her power must in like manner have been brief: like Etruria she would have been unable to form a regular infantry: while the power of the Samnites, founded on their noble body of foot, would have approached nearer and nearer to Rome, and, before they met, would have preponderated.

If this constitution now, along with the laws connected with it, such as they are ascribed to Servius, had continued to subsist, Rome would have attained two centuries sooner and without sacrifices to a happiness, which, after the main part of what was granted had been torn away, cost her hard contests and bitter sufferings before she finally reached it anew. It is true, if the story of a people is like a life; if the weal of one age makes amends for the woe of another, without which it could never have come to pass; then no harm was done to Rome by the delay: the putting off the completion of the constitution also put off its downfall, and the depravement of the nation for no short time; and her hard struggles disciplined and trained her. But woe to them by whom the offense cometh! and a curse upon those, who, so far as in them lay, destroyed the freedom of the plebeians!

L. TARQUINIUS THE TYRANT,
AND THE BANISHMENT OF THE TARQUINS.

THIS destruction was the work of the usurper, this the price for which his complices allowed him to rule as king, without even the bare show of a confirmation by the curies. Every right and privilege conferred by Servius upon the commonalty was swept away; the assemblages at sacrifices and festivals, which had tended above all other things to cement them into united bodies, were prohibited; the equality of civil rights was abolisht, and the right of seizing the person of a debtor reestablisht: the rich plebeians were subjected, like the sojourners, to arbitrary taxation: the poor were kept at taskwork with sorry wages and scanty food, and these hardships drove many to put an end to themselves*.

Soon however the opprest had the wretched solace of seeing the exultation of their oppressors turned into dismay. The senators and men of rank were, as under the Greek tyrants, the object most exposed to the mistrust and the cupidity of the usurper: after the manner of those tyrants he had formed a body-guard, with which he exercised his sway at pleasure. Many lost their lives; others were banisht, and their fortunes confiscated: the vacant places were not filled up: and even this senate, insignificant as its small number made it, was never called together.

* Cassius Hemina in Servius on *Æn.* xii. 603. Pliny xxxvi. 24.

Though Tarquinius was a tyrant, and as bad a one as any among the Greeks of the same age¹⁰⁹⁷, he was no less capable than any of these to engage in great enterprises for the splendour of his country ; and fortune long continued to favour him : indeed the goddess might easily prosper the undertakings of one whom no scruple deterred from making use of whatever would best further his designs. In Latium his influence was widely spread, by means of Octavius Mamilius of Tusculum, to whom he had given one of his daughters in marriage : and Turnus Herdonius of Aricia, who conjured the Latins not to trust themselves to him, was condemned to death by their national assembly on a false accusation brought by Tarquinius ; some arms, which had been conveyed into his lodging by treacherous slaves, appearing to convict him of guilt. Latium bowed beneath the majesty of Rome ; and thenceforward it was the office of the Roman king to sacrifice the bull at the Latin *feriæ* upon the Alban mount before the temple of Jupiter Latiaris, in behalf of all the allies, every city receiving a portion of the flesh. Each sent its stated share to this sacred festival, lambs, milk, cheese, cakes : they were holidays full of primitive merriment, for which the folly of later times devised a symbolical meaning : the swinging puppets for instance were to commemorate how when Latinus disappeared he was sought after in the air as well as upon the earth. The Hernicans too did homage to the king, and joined in this festival : but their cohorts were kept apart from the legions which they accompanied, and which were composed of Roman and Latin centuries united into maniples.

The first place attacked by this army was Suessa Pometia, the most flourishing of the Volscian cities, rich from the possession of wide and luxuriantly fertile plains, the granary of Rome in years of scarcity. It was taken :

¹⁰⁹⁷ Those of the Macedonian age, mostly the leaders of profligate mercenaries, were a much worse breed than the earlier ones before the Peloponnesian war.

the inhabitants, freemen and slaves, were sold with all their substance; and the tithe of the money produced was devoted to building the Capitoline temple, which the king's father had vowed in the Sabine war.

The foundations of this temple consumed the spoils of Pometia; and heavy taxes were needed, and hard task-work, to pursue the building. Ever since the time of Tatius the Capitoline hill had been full of altars and chapels, small consecrated spots, a few feet square; severally dedicated to a variety of deities, who could not be displaced from their abodes without the consent of the auspices. To the union of the three highest beings in the Etruscan religion, Jupiter, Juno, and Minerva, they all gave way, save Juventas and Terminus: a token that the youth of the Roman empire would never fade, its boundaries would never fall back, so long as the pontiff should mount the steps of the Capitol with the silent virgin in honour of the gods*. The name of Capitol was given to the temple, and from it to the Tarpeian hill, in consequence of a human head found by the workmen as they were digging the foundations, which was undecayed and trickling with blood: a sign that this place was destined to become the head of the world.

Within this temple, in Jupiter's cell, underground, the Sibylline books were preserved. An unknown old woman had offered to sell the king nine books for three hundred pieces of gold: being treated with scorn she burnt three, and then three more, and was on the point of destroying the others, unless she received the same price for them which she had asked for all. The king repented of the incredulity that had lost him the greater part of an irreplaceable treasure: the prophetess gave him the last three books, and vanished.

The expedition against Pometia was the beginning of the wars against the Volscians, which fill the early annals

* Livy v. 54.

of the republic: in the conquered territory Tarquinius founded two colonies, Signia and Circeii.

The greatness of Gabii in very ancient times is still apparent in the walls of the cell of the temple of Juno; and Dionysius saw it yet more conspicuous in the ruins of the extensive wall by which the city, standing in the plain, had been surrounded, and which had been demolisht by a destroying conqueror, as well as in those of several buildings. It was one of the thirty Latin cities; but it scorned the determination of that confederacy,—wherein those were equal in votes who were far from equal in power,—to degrade themselves: hence began an obstinate war between it and Rome. The contending cities were only twelve miles apart; and the country betwixt them endured for years all the evils of military ravages, no end of which was to be foreseen: for within their walls both were invincible.

Sextus, the tyrant's son, pretended to rebell: the king, whose anger seemed to have been provoked by his wanton insolence, condemned him to a disgraceful punishment as if he had been the meanest of his subjects. He came to the Gabines under the mask of a fugitive: the bloody marks of his stripes, and still more the infatuation which comes over men doomed to perish, gained him belief and goodwill: at first he led a body of volunteers; then troops were trusted to his charge: every enterprise succeeded; for booty and soldiers were thrown in his way at certain appointed places: and the deluded citizens raised the man, under whose command they promised themselves the pleasures of a successful war, to the dictatorship. The last step of his treachery was yet to come: none of the troops being hirelings, it was a hazardous venture to open a gate. Sextus sent to ask his father in what way he should deliver Gabii into his hands. Tarquinius was in his garden when he received the messenger: he walked along in silence, striking off the heads of the tallest poppies with his stick, and dismiss the man without an answer. On this hint Sextus put to death or by means of false

charges banisht such of the Gabines as were able to oppose him: by distributing their fortunes he purchased partisans among the lowest class; and acquiring the uncontested rule brought the city to submit to his father.

But the security of uninterrupted good fortune was disturbed by an appalling prodigy: a serpent crawled out from the altar in the royal palace¹⁰⁹⁸, and seized on the flesh brought for sacrifice. It was the time when the Pythian oracle was in the highest repute: the king sent his sons Titus and Aruns with costly gifts to Delphi⁹⁹, to learn what was the danger that menaced him: the priestess, whose suggestions gave strength and confidence only to those forebodings whereby we are to explore and find out our way through the darkness of our destinies, while they misled those who were without such feelings, answered, that he would fall, when a dog should speak with a human voice¹¹⁰⁰. The person designated by the god was standing with the envoys in the temple; having propitiated him with the gift of a golden stick, inclosed and concealed in a hollow wooden one. The sister of king Tarquinius, wedded to M. Junius, had borne two sons, whom their father left behind under age: the elder was put to death by the tyrant for the sake of his wealth: the younger, Lucius, saved his life by putting on a show of stupidity; he ate wild figs and honey¹. The Romans like other nations looked upon a madman as sacred; and

¹⁰⁹⁸ Ovid Fast. II. 711. Or out of a pillar. Here again forgers, on the look out for something possible, turned the altar into a *columna lignea*. Livy I. 56. Dionysius has a pestilence as the cause of the mission to Delphi.

⁹⁹ Cicero de Re p. II. 24.

¹¹⁰⁰ Zonaras II. 11.

¹ Albinus in Macrobius II. 16. Stultum sese brutumque faciebat; grossulos ex melle edebat. There cannot be a livelier way of expressing folly, in an age that has not yet lost its primitive simplicity. Our language has no word for *grossi*, the fruit of the wild figtree, used in caprification, as it is explained by Niclas on the Geoponics, p. 238, from Pontedera. In comparison to the figs we eat they are as unpalatable, as wild fruits are compared with garden-fruits of the same kind.

Tarquinius, as his guardian, enjoyed his idiot kinsman's fortune : this L. Junius, hence called Brutus, had accompanied the young Tarquins to Delphi. When the youths had performed their commission, they inquired of the oracle in their own behalf, who was to rule at Rome after their father. *He that first kisses his mother*, answered the priestess. The princes agreed to decide the matter by lot, and to keep it a secret from Sextus : Brutus in running down the hill fell, and his lips touched the earth, in the centre of which Pytho, its primitive sanctuary, stood.

Other prodigies and dreams harassed the king. Some eagles had built their nest on a palm in his garden : they had flown out to fetch food ; meanwhile vultures came in great numbers to the nest, tossed out the unfledged eaglets, and drove away the old birds on their too tardy return. He dreamt that two rams sprung from one sire were brought to him before the altar ; that he chose the finest for the sacrifice ; the other pushed him down with its horns : at the same time the sun changed his course and turned back from the West toward the East*. In vain was he warned by the interpreters of dreams against the man whom he deemed simple as a sheep : in vain did the voice of the oracle concur with the nightly vision : fate must have its way.

Ardea, the city of the Rutulians, refused to submit to the king, and was besieged with a large force. It stood upon an insulated volcanic hill, with sides cut sharply down : where the rock was low, it was surmounted by walls built of square blocks of tufo. A fortress of this kind would have been impregnable even to the improved engineering of those later times, when the mechanical arts were carried to perfection as the gifts of genius and oratory had been before ; unless towers could be built of the same highth with the rock and driven close up to the foot of it :

* Attius, quoted by Cicero de Divinat. i. 22.

but in those days, except treachery lent its aid, famine was the only means of reducing a place, which could neither be scaled nor undermined. Hence the Roman army lay idle in its tents before Ardea, until the Rutulians should have consumed their provisions.

Here as the king's sons and their cousin L. Tarquinius were sitting over their cups, a dispute arose on the virtue of their wives. This cousin, who was surnamed from Collatia, where he dwelt invested with the principality¹¹⁰², was the grandson of Aruns, that elder brother of the first Tarquinius, after whose death Lucumo removed to Rome. Nothing was going on in the field: they mounted horse straightway to visit their homes by surprise: at Rome the princesses were revelling at a banquet, surrounded by flowers and wine: from thence the youths hastened to Collatia; where at the late hour of the night Lucretia was spinning in the circle of her handmaids.

It was not the bloodthirstiness, nor the avarice of the tyrants of antiquity, that was the most dreadful evil for their subjects: it was, that whatsoever object had aroused their fierce passions, were it a wife, a maiden, or a boy, death alone could save it from shame. Outrages, such as Lucretia suffered, happened daily; just as the Christians under the Turkish empire are exposed to them without any protection; and always were so, before any one yet thought on the possibility of breaking the accursed yoke: but the daughter of Tricipitinus was of noble birth, and this was the ruin of the Tarquins. Inflamed by wicked lust, Sextus went back the next day to Collatia, and according to the rights of gentile hospitality was lodged in his kinsman's house. At the dead of night he entered sword-in-hand into the chamber of the matron; and by

¹¹⁰² Egerius, his father, lived there as governor: Livy i. 38. That is to say, the poem related this, to explain how Collatinus and Lucretia happened to reside there: so here again it is evident that the genuine old form of the story has been preserved by Livy, not by those who removed their abode to Rome.

threatening that he would lay a slave with his throat cut beside her body, would pretend to have avenged her husband's honour, and would make her memory for ever loathsome to the object of her love, wrung from her what the fear of death could not obtain:

Who after Livy can tell of Lucretia's despair¹¹⁰³? She entreated her father and her husband to come to her; for horrible things had taken place. Lucretius came accompanied by P. Valerius, who afterward gained the name of Publicola; Collatinus with the outcast Brutus. They found the disconsolate wife in mourning attire, sitting in a trance of sorrow: they heard the tale of the crime, and swore to avenge her: over the body of Lucretia as over a victim they renewed the oath of their league. The moment was arrived for Brutus to cast off his disguise, as Ulysses threw off the garb of the beggar. They bore the corpse into the marketplace of Collatia: the citizens renounced Tarquinius, and vowed obedience to the deliverers. Their young men attended the funeral procession to Rome. Here the gates were closed, and the people convoked by Brutus as tribune of the Celeres. All ranks were inflamed by one single feeling: with one voice the decree of the citizens deposed the last king from his throne, and pronounced the sentence of banishment upon him and his family. Tullia fled from the city unhurt: the people left her punishment to the spirits of those whom she had murdered.

On the tidings of an insurrection the king broke up with a few followers for Rome: but the city was shut against him: meanwhile Brutus marched with some volunteers by a by-way to the camp. All bickerings with the patricians, every wrong, all distrust was forgotten: the

¹¹⁰³ Dionysius relates it with great discrepancies, and far worse. It is more interesting to compare Ovid's very finely wrought but heartless narrative (*Fast.* ii. 685—852.) with the noble account in Livy, which crowns his first book, the masterpiece of his whole history.

centuries of the army confirmed the decree of the curies. The deposed king, with his sons Titus and Aruns, took refuge in Cære, where Roman exiles were entitled to settle as citizens*: Sextus went back to Gabii, as to his own principality: ere long this audacious act afforded the friends of those who had perisht by his means, the opportunity of taking vengeance for their blood.

A truce was concluded with Ardea, and the army returned to Rome. The centuries by a formal decree in the field of Mars confirmed the resolution of the curies and of the army; banisht Tarquinius and his detested house for ever; abolisht for ever the dignity of king; and outlawed every one who should dare to frame a wish of ruling as king at Rome. This was sworn to by the whole nation for themselves and their posterity. The laws of king Servius were reestablisht: bondage for debt was again prohibited; the right of the plebeians to assemble according to their tribes and regions was recognized; and, as the same code had prescribed, the royal power was entrusted to two men for the term of a year. The centuries chose Brutus and Collatinus consuls: the curies invested them with the *imperium*.

From Cære, where the banisht prince had only found a retreat, he repaired to Tarquinii: here and to the Veientes he offered the districts which Rome had conquered from them. Etruscan ambassadors were sent to demand his restoration from the Roman senate; or at least that they should be responsible for his property, and that of all who had left their homes to follow him: these were numerous¹¹⁰⁴, and the members of powerful families. The curies⁵—for the decision rested with them; as what was

* See above, pp. 318. 380.

¹¹⁰⁴ That they were so considered in the tradition, is evident from this among other grounds, that in the accounts of the battles the Roman emigrants appear as a separate body. See the text to note 1230.

⁵ Dionysius v. 6.

confiscated went to the estates of the burghers¹¹⁰⁶—resolved to give up the property. This afforded the ambassadors time to excite a conspiracy, in which the Vitellii, with their sister's children, the two sons of Brutus, and the Aquillii, who were akin to Collatinus, were involved along with many others. Many regretted the loss of that licence for their vices, which their birth and connexions gave them under the Tarquins: not a few may perhaps have found the liberties of the plebeians more grating than all the misdeeds of the tyrant. An honest slave, who perceived that mischief was brewing, became an unobserved ear-witness of their last conference, for which the complices had met together in a dark chamber: few rooms in the Roman houses had any light except when the door was open. On his information the conspirators were seized, and early in the morning, when the consuls were sitting at justice in the Comitium amid the assembled citizens, were brought before them. Brutus condemned his sons to death in his capacity of a father, from whose sentence there was no appeal: the manner of inflicting it he determined according to his duty as consul. The other criminals, as patricians, had the right of appealing to the curies; but such a sentence from a father made weakness impossible: they were all beheaded.

The agreement to give up the property was annulled by this attempt to foment treason: it became clear too that freedom could not be securely established except by the fidelity of the commonalty. The chattels of the Tarquins were abandoned to the mob to plunder: their landed estates and the royal demesnes were parcelled out among the plebeians; the field between the city and the river was consecrated to Mars, the father of Rome. Harvest-time came on; to take the sheaves seemed to be a sin: they were thrown into the river, the waters of which are shallow in

¹¹⁰⁶ The very phrase *in publicum redigere* implies that it was confiscated for the *populus*.

summer: by running against each other their course was checked, and they accumulated so as to form the foundation of an island, which seven generations after became the seat of the Epidaurian god.

The whole Tarquinian house was banisht: even Collatinus had to lay down his office and to leave Rome; he did not join the enemy, but died at Lavinium. P. Valerius was appointed in his stead.

A large army of Veientes and Tarquinians advanced with the Tarquins: the Romans marched out to meet them. The Etruscan cavalry was headed by Aruns Tarquinius, the Roman by Brutus: both of them gallopt on before the legions, and encountered: both fell mortally wounded. Then the infantry took up the battle, and fought until night parted them: both armies were equally worn out, and neither would own itself vanquisht. About midnight however they both heard the voice of the wood-genius out of the neighbouring forest of Arsia, declaring that the victory belonged to the Romans; for on the Etruscan side one more had fallen. It was a voice of the kind by which panic terrours were spread. The Etruscans fled: when the dead were counted, eleven thousand three hundred Etruscans were lying on the field; the Romans were fewer by one*. P. Valerius returned to the city in triumph: on the next day he solemnized the obsequies of Brutus. The matrons mourned a year for him as for a father: the republic erected a bronze statue to him in the Capitol, with a drawn sword, in the midst of the seven kings†.

Valerius was dilatory in procuring the election of a successor to Brutus, and was moreover building a stone-house on the top of the Velia, where Tullus Hostilius had resided—near S. Francesca Romana,—and where from the Forum it had the look of a castle: this excited a suspicion that he aimed at usurping kingly power. His innocence

* Plutarch Publicol. c. 9.

† Dion Cassius XLIII. 45. Plutarch Brut. c. 1.

kept him unconscious of this: when told of it he stopt the building: the people, ashamed and penitent, granted him a piece of ground at the foot of the ascent up the Velia, and, as a perpetual mark of their gift, the privilege of having his doors open back into the street*.

The object of Valerius in wishing to remain alone in the consulate, was that he might not have a colleague, whose opposition would be an insuperable obstacle, to impede him in enacting laws for restraining the consular power within fixt bounds; such as with regard to the regal, the origin of which lay beyond the age of written ordinances, had only existed by custom, and had often been transgressed. He acknowledged that the curies were the source of his power, and that the consuls owed homage to the majesty of that assembly, by lowering the fasces before it; for which act he received the name of *Publicola*. In like manner it was an acknowledgement of the right of the plebeians to appeal to the tribunal of their own order from sentences of corporal punishment pronounced by the consul on the strength of his plenary authority, when it was settled that thenceforward there should be no axe in the bundle of rods carried before him within the city. As soon as the Valerian laws were passed, Publicola transferred the fasces to Sp. Lucretius as his senior. Lucretius did not live to the end of the year: it was closed by his successor M. Horatius, who at its expiration was called a second time to the consulate along with P. Valerius.

Ill blood was excited between the two colleagues by the desire of each to leave an enduring memorial of his name. The Capitoline temple, which was incomplete when Tarquinius was driven from the throne, had been finished under the consuls; and it had been decided by lot that M. Horatius should dedicate it. At the moment that he was grasping the doorpost, and about to pronounce the solemn words, M. Valerius, the consul's brother, came to

* Plutarch Publicol. c. 10. Pliny H. N. xxxvi. 24.

him with these false tidings of sorrow: *O Marcus, what art thou doing! behold, thy son lieth dead.* A word of lamentation would have broken off the ceremony: Horatius, firm as Brutus, made answer: *Cast away the body; it concerneth not me.* Thus he accomplisht the dedication; and his name was read on the entablature of the portico until the destruction of the temple in the time of Sylla. The ides of September, on which he had consecrated it, formed the commencement of the era for keeping account of which a nail was driven in there on the same day of every year.

Among the works of art with which the last king had meant to decorate this temple, was a four-horsed chariot of baked clay, destined to be placed at top of the pediment. This piece, which was to be executed by an artist at Veii, swelled out so prodigiously in the fire, that it was necessary to break open the furnace in order to take it out. Such a marvel would have been deemed of unequivocal import even among a people less familiar with the ways of destiny than the Etruscans: accordingly the Veientes refused to deliver up the chariot to the Romans; pretending that it had not been made for the state, but for Tarquinius. The gods however would not allow Rome to be robbed of a work, which they had purposed should be a token of her fate. During the next Circensian games at Veii the horses that had been victorious darted away impetuously to Rome; and at the foot of the Capitol, near the *Porta Ratumena*, the name of which came from this Etruscan¹¹⁰⁷, dashed their driver lifeless to the ground. Foreboding that a like misfortune would turn all their festivals into mourning, the Veientes were fain to comply with the Roman people⁸.

¹¹⁰⁷ The penultimate is long; for it has the common termination of Tuscan gentile names, like Vibenna, Ergenna. See note 922.

⁸ Plutarch Publicol. c. 13. The groundwork of the legend is the same in Festus v. Ratumena porta; only a different story is there made of it. The Veientes are compelled by arms to deliver up the chariot;

The thought of being indebted to the tyrant for this temple, the chosen seat of the highest gods, and, long before the time when it surpassed that at Delphi in riches, the most splendid ornament of Rome, was repugnant to the feelings of the later Romans: it seemed to them too as if those happy signs of the future which manifested themselves while the building was preparing, could only be revealed, as if those prophetic books which were to guide the republic in times of great embarrassment, could only be vouchsafed, to one who had found favour with the gods. Hence the laying the foundations at least of the Capitol, together with the omens of a universal empire and of its eternity, were assigned by many, the visit of the Sibyl by some, though but a few, to the father, L. Tarquinius Priscus. Earlier ages were of a different way of thinking: to them it was no stumbling-block, that the higher powers should shew favour even to a reprobate, who was observant of their service, until the measure of his guilt was filled; or that they should allow such a man to convey their blessings to a people whom they loved: was the people to suffer, because the gods themselves had not the power of commanding Nature to endow its rulers with virtue?

In all the accounts however the building of the Capitol is connected by a vow with the Sabine war of the first Tarquinius: but the older legend confined itself to this¹¹⁰⁹. The most lying of all the annalists¹⁰, Valerius Antias, by a clumsy transfer from the tradition about Suessa Pometia, fabricated the story that king Priscus obtained the means of executing the substructions from the spoils of

and it has already been erected when the horses run away; at the sight of it they stand still.

¹¹⁰⁹ Thus in Cicero de Re p. ii. 20, it is said of Priscus, *ædem in Capitolio faciendam vovisse*: and ii. 24, of Superbus, *votum patris Capitolii ædificatione persolvit*. David too only made the vow: the temple was built from the ground by Solomon.

¹⁰ Adeo nullus mentiendi modus est, says Livy of him: xxvi. 49.

the unknown Latin town, *Apiolæ*¹¹¹¹. In order that the work might not continue at a stand through the whole reign of Servius Tullius, and yet at the same time that the people might not seem to have been oppressed under him, a further expedient was devised, perhaps by the same writer: Servius was said to have carried on the building by employing the labour of the allies¹².

The site of the Capitoline temple was on the lower summit of the Tarpeian hill, now called *Monte Caprino*, which is separated from the *Arx*, where *Ara Celi*¹³ stands, by a hollow at present almost imperceptible¹⁴. There was not a flat surface here large enough; so it was gained, as on Mount Moria, by levelling the peaks, and by walling in a certain space, and then filling it up: works which in cost of labour are not inferior even to the building of the temple. On this area a basement of considerable highth was erected, eight hundred feet in compass; it was nearly an equilateral quadrangle, the length being not fifteen feet greater than the breadth. The triple sanctuary of Jupiter, Juno, and Minerva, underneath the same roof, with partywalls to separate them, was surrounded by rows of pillars; a triple colonnade on the south, a double one on the other sides¹⁵. Beyond a doubt the whole temple was built of *peperino*: the pillars were of blocks, which can hardly have been even masked with stucco: no marble can have shone from its walls: the doors were certainly of brass; so perhaps was the roof. Assuredly it was not a less noble building than the temples of Pæstum; majestic in its simple grandeur, the course of ages and the victories of three hundred years gradually

1111 Pliny H. N. iii. 9. Strabo v. p. 231. a.

12 Tacitus Hist. iii. 72. Servius Tullius sociorum studio.

13 Which name seems to be a corruption of *Arx*.

14 This view was that of all the older and better topographers before Nardini: to me it was first imparted by Hirt. See his Dissertation on this temple in the Berlin Transactions for 1812—1813.

15 Dionysius iii. 69. iv. 61.

arrayed it in all that was splendid and precious. The artists who built and embellished the Capitol, were sent for out of Etruria¹¹¹⁶: the severity of the ancient Italian principle, which would not tolerate any corporeal representations of the gods, had already been overpowered by the influence of Greece.

The tradition that the duumvirs who had the care of the Sibylline books¹⁷ were instituted by the last Tarquinius, is evidently derived from the pontifical or augural records, like the statements concerning the establishment of the priestly offices by Numa. When we look at it historically, it seems that the original appointment of a duumvirate taken from among the patricians must have been prior to the opening of the Vestal priesthood and of the senate to the third tribe: for unquestionably it is improbable that after that time it would be excluded from the custody of foreign objects of religious reverence, wherein the plebeians were allowed to take part sooner than in the consulate and the higher colleges of priests: and the improbability is heightened by the Tarquins having belonged to that tribe. But when the question lies between the father and son, this objection goes too far: and the lesser houses may possibly have been represented by one of the duumvirs, just as the Titii were by one of the two who held the other priestly offices.

That the Sibylline oracles kept in the Capitol made up three books, and consequently that by the tenour of the legend nine were brought to the king, seems to follow from the keepers of them being charged to look into the Sibylline books; in opposition to Pliny's statement that two of them were burnt, and only one retained¹⁸. After they had been consumed in the time of Sylla, their

¹¹¹⁶ Livy I. 57.

¹⁷ References to the passages that speak of the Sibylline oracles may easily be found in Fabricius *Bibl. Græc.* ed. Harl. I. p. 248. foll.

¹⁸ H. N. XIII. 27.

guardians may have ventured to tell what previously must not have crossed their lips: and so we may safely adopt Varro's account, that they were written upon palm-leaves; and partly in verses, partly in symbolical hieroglyphics¹¹¹⁹: that statement is the less suspicious, as this material for writing is scarcely mentioned elsewhere among the ancients. Pliny takes for granted that they were written on papyrus; because he thought all books were so before the invention of parchment: this is of no weight against an express assertion: and there is great plausibility in the interpretation of the scholiast who suggests that the leaves of the Cumean Sibyl were designed by the learned poet as an allusion to the form of the old Roman Sibylline books. Their nature being such, we catch a glimpse into the manner of consulting them. To have searched after a passage and applied it would have been presumptuous: it can hardly be doubted that they were referred to in the same way as Eastern nations refer to the Koran and Hafiz; and as many Christians, however strictly it has been forbidden, ask counsel of the Bible, by opening it, or employing a verse-box. The form of the Indian palm-leaves used in writing, oblongs cut to the same size, was well suited for their being shuffled and drawn: thus the practice at Præneste was to draw a tablet.

The question however, whether these oracles contained presages of coming events, or merely directions what was to be done for conciliating or for appeasing the gods,—directions understood to be address to the particular case which led to the inquiry,—is perplexing, owing to the mystery these books were involved in from the time when

¹¹¹⁹ Servius on *Æn.* III. 444, and VI. 74. In foliis palmæ interdum notis, interdum scribebat sermonibus. They may have been leaves of the finer sort of palm from Africa, drest for the purpose: at all events in case of need the dwarf palms which grow so abundantly in Sicily, may have been used. The petalism of the Syracusans shews that the practice there was to scratch marks on leaves, as at Athens and in Egypt to write on potsherds: both were materials that cost nothing.

Tarquinius condemned a duumvir to suffer the punishment of a parricide for blabbing*. The command however to send for Esculapius from Epidaurus† can only have been conveyed in an oracle which spoke of a pestilence, that is to say, foretold it. During the period comprehended in the remaining books of Livy the purpose of consulting these books was never, as it was in resorting to a Greek oracle, to get light concerning future events; but to learn what worship was required by the gods, when they had manifested their wrath by national calamities or by prodigies. All the instruction too recorded is in the same spirit; prescribing what honour is to be paid to the deities already recognized, or what new ones are to be imported from abroad. The oracles in the restored collection are out of the question here: in the earlier ages where we have annals¹¹²⁰ there is only a single example of a different kind: under the year 566 mention is made of a prohibition by the Sibyl to cross the Taurus with an armed force²¹. In fact however it is utterly inconceivable that such a secret should have become notorious. Of the numerous Sibylline oracles that circulated among the Greeks, many at that time related to Rome; the Romans themselves regarded them with respect as akin to their own: and most probably one of these had been heard of by the legates sent by the senate to the army of Cn. Manlius. It may notwithstanding have been ancient, supposing that it did not speak of any particular state, and was merely applied at that time to the Romans: possibly the prophet may have had the Lydian kings in his eye: there had

* Dionysius iv. 62. Valerius Maximus i. 1. 13.

† Livy x. 47.

¹¹²⁰ I have not overlooked the passage in Livy iii. 10: but what weight can be attacht to statements out of those times? besides an oracle never speaks with that downright distinctness. The one which in Cicero's times forbad an expedition to Egypt, came out of the restored set.

²¹ Livy xxxviii. 45.

however been abundance of generals during the two preceding centuries who might have furnished occasion for such dissuasives. That the Roman Sibylline oracles came from an Ionian source, although the neighbouring town of Cuma likewise boasted of her prophetess, is clearly proved by their enjoining the worship of the Idæan mother¹¹²²; as well as by the mission to Erythræ for the sake of restoring the books after their destruction.

Had the early Romans been as ignorant of the Greek language as is usually supposed, their consulting Greek oracles would have been next to impossible; and yet nobody has ever questioned that those of the Sibyl were written in Greek. Nor is this merely to be inferred from passages that unequivocally imply it: the statement that two Greek interpreters were sent for in order to be quite sure of the meaning²³, amounts to an express testimony. Besides had not the oracles been composed in Greek hexameters, it would never have been believed that they might be replaced by those which were to be found in the Greek cities. But the Romans were far from being thus unacquainted with Greek: the Greek books dug up along with those on the pontifical law in the pretended grave of Numa must at all events have been buried there in very early times: in the fifth century the Roman envoy at Tarentum spoke Greek, though but imperfectly: and were the fact otherwise, how would several eminent Romans have been able to write Greek all at once in the age of Hannibal, before the period when Greek literature was introduced? The Greek origin of the oracles is likewise plain from what they enjoin. They invariably ordained the worship of Grecian deities; and hereby they must have exerted a very great influence on the religion of the Romans, in suppressing what it had derived from the Sabines and

¹¹²² Livy xxix. 10. Varro too held the Erythræan Sibyl to be the one that visited Tarquinius: Servius on *Æn.* vi. 36.

²³ Zonaras vii. 11. These are the two *servi publici* attacht to the duumvirs in the account of Dionysius: iv. 62.

Etruscans: to sacrifice according to Greek rites was the same thing as sacrificing by the command of the Sibylline oracles; and every keeper of these books was as such a priest of Apollo.

It is true, if those *books of fate*, by order of which more than once in seasons of perilous warfare two Greeks and two Gauls, a man and woman of each people, were buried alive, were the Sibylline books, as Plutarch conceives¹¹²⁴, then what went by that name among the Romans can never have come from a Greek source. Nor will I deny that Livy, who on a like horrible occasion expressly mentions the *libri fatales*, gives that title in another place to the Sibylline books: indeed he is warranted in doing so; for they too were *books of fate*. In fact, along with these Greek books, there were preserved in the Capitol, under the guard of the same duumvirs, the Etruscan prophecies of the nymph Bygoe, and the homesprung ones of the Marcii²⁵; those of Albuna too or Albunea of Tibur²⁶; and who knows how many others of the same sort? These were all *books of fate*; and every Etruscan city seems to have been possess of such: we know of the Veientine ones, from their having connected the destiny of Rome and Veii with the letting off the Alban lake. Now if Albunea, who was accounted among the Sibyls, was the prophetess who advised that fate, if it had promised the possession of Rome to Gauls or Greeks, should be tricked as in the treatment of the envoys from Arpi at Brundisium²⁷, Plutarch's mistake would be excusable.

In primitive times perhaps every Greek city had prophecies of the same kind with all these, by a Sibyl, or a

¹¹²⁴ Marcell. c. 3.

²⁵ Servius on *Æn.* vi. 72. Those of the Marcii had not been placed there when the battle of Cannæ was fought in them: Livy xxv. 12.

²⁶ Lactantius Div. Instit. i. 6. 12. Sibyllam decimam Tiburtem, nomine Albuneam—cujus sortes senatus in Capitolium transtulerit: where see the commentators.

²⁷ Justin xii. 2.

Bacis, or some other soothsayer; which were preserved in its acropolis, in the holiest of its temples: as was the case under the Pisistratids, and afterward under the Athenian republic. Here again we discover the original correspondence between the Roman institutions and the Greek; which was hidden from sight, when each of the two nations, the Greeks however long before the Romans, developed the strong peculiarities of their national character. Living oracles like those in Greece, where the deity answered the inquirer through the mouth of an inspired minister, did not exist among any Italian people: hence they sent to Delphi. Among the Apulians on mount Garganus the kindred Greek custom prevailed of earning a prophetic vision by sleeping in the temple after offering up a sacrifice; but it was in a Greek *heroum* of Calchas*.

The Roman oracles were not accessible to private individuals: he who sought for such guidance from the heavenly powers, went to Præneste to the temple of Fortuna; the goddess who dispensed every thing that was special and providential, who diverted the chances of an individual's life from the course prescribed and determined for him by Fate at his birth and by his own character; who delayed or hastened his journey along it; the doom of the individual being a particular sphere of possibility ordained by Fate, within the far more extensive range of possibility marked out by Nature. The lots preserved at Præneste were sticks or slips of oak board, with ancient characters graven on them: a nobleman of that city was said to have found them in the inside of a rock, in a spot where he had cleft it open as he had been commanded in harassing dreams. They were shaken up together by a boy, and one of them was drawn for the person who consulted the oracle¹¹²⁸. They remind us of the Runic staves among the northern nations. Similar divining-lots were to be found in several²⁹, perhaps in a great many places:

* Strabo vi. p. 284. b.

1128 Cicero de Divinat. ii. 41.

29 The same.

those of Cære are mentioned on occasion of the prodigy which befell them, when they shrunk so that an oracle fell out without the touch of a human hand*. Those of Albunea must have been written on some material like that of the Prænestine ones, since they were found in the bed of a river.

The banishment of the kings was commemorated every year by the *Regifugium* or the *Fugalia* on the 24th of February. This is the ground on which Dionysius states¹¹³⁰ that four months of the year were still to come: that is, he reckoned according to the average of the Athenian calendar, the first month of which coincided more or less with July; and assumed that the festival was a day historically ascertained. But its connexion with the Terminalia, which it follows immediately, infers that the day was merely chosen with a symbolical view.

* Livy xxi. 62. xxii. 1.

1130 v. 1.

COMMENTARY ON THE STORY OF THE LAST TARQUINIUS.

I HAVE related the tale of the last king's glory and of his fall no less nakedly than it must have stood in those bald Annals, the scantiness of which made Cicero think it his duty, and induced Livy, to throw a rich dress over the story of Rome. That which is harmonious in a national and poetical historian, would be out of tune in a work written more than eighteen hundred years later by a foreigner and a critic. His task is to restore the ancient tradition, to fill it up by reuniting such scattered features as still remain, but have been left out in that classical narrative which has become the current one, and to free it from the refinements with which learning has disfigured it: that distinct and lively view, which his representation also should aim to give, should be nothing more than the clear and vivid perception of the outlines of the old lost poem. Had a perfectly simple narrative by Fabius or Cato been preserved, I would merely have translated it, have annexed the remnants of other accounts, and then added a commentary, such as I now have to write on my own text.

Certain as it is that Rome possess Sibylline books, and yet none can tell who wrote them, or say more than that the Sibyl is a poetical creation; it is no less indubitable that Tarquinius was a tyrant, and the last king of Rome: and no criticism is able to pierce further, or to sever what is historical from the poem: all it can do is to shew what is the state of the case.

It is true, the most glaring among the chronological impossibilities vanish in some measure, when we look at this story independently of the dates fixt by the pontiffs for Priscus and Servius. If however it be then no longer inconceivable that Brutus should have been a grandson of the former, still all else that is told of him continues nevertheless to be a string of absurdities. That the second Tarquinius should have reigned for more than the five and twenty years assigned to him, can neither be assumed by those who maintain that this narrative is substantially historical; nor will a candid inquirer deem it credible. But how then is it to be reconciled, that Brutus should be a child at the beginning of the reign, and at the end of it the father of young men who join in a conspiracy with the exiles? When Dionysius states that they were scarce grown out of boyhood, he introduces a fiction of his own, but to no purpose. Besides how could a person who was thought to be a natural, be the king's lieutenant, with the obligation of performing priestly ceremonies, and the power of convoking the citizens? and can we suppose that while he was invested with such an office, he had not even the management of his own fortune?

In contradiction to the two historians, who represent the subjugation of Latium as effected by persuasion, Cicero says that it was subdued by arms¹¹³¹. Nor is the discrepancy less, where the Veientes are the only Etruscan people named by him as having endeavoured to restore the banisht family by military force³²: so that the introduction of the Tarquinians into the tale of this war is a forgery; which was devised, because of course there could be no place where the exiles would rather have sought for aid, or more readily have found it, than in their pretended home.

¹¹³¹ De Re p. II. 24. Omne Latium bello devicit.

³² Tusc. Quæst. III. 12(27). See note 1202.

Their migration to Cære, totally unconnected as it is with the subsequent Etruscan wars, is derived from the pontifical lawbooks; where it was brought forward as the origin of the right conferred by the community of franchise to go and settle there as a citizen.

The story of Sextus and the people of Gabii is patched up from two well-known ones in Herodotus*, without any novel invention. Besides it is quite impossible that Gabii should have fallen into the hands of the Roman king by treachery: had such been the case, no one—I will not say no tyrant, but no sovereign in antiquity—would have granted the Roman franchise to the Gabines, and have spared them all chastisement by the scourge of war; as Tarquinius is said to have done by Dionysius himself¹¹³³. In fact the record of this favour accorded to them was contained in the treaty with Gabii, which in his days was still to be read in the temple of *Dius Fidius*: it was painted on a shield cased with the skin of the bull slain at the ratification of the league³⁴. The very existence of a treaty, though reconcilable with the case of a surrender, puts the forcible occupation out of the question.

The spoils with the produce of which Tarquinius undertook the building of the Capitol, the tithe of what was taken at Pometia, were estimated by Fabius at forty talents³⁵. Others, Piso for instance, have stated the whole,

* III. 154. V. 92.

1133 IV. 58.

34 Dionysius IV. 58.

35 It is owing to one of the many corruptions in our received editions, that we now find *quadringenta* instead of *quadraginta* in Livy I. 53, 55, against the manuscripts. Though, when he wrote, it may no longer have been generally known, that the Italian talent weighed a hundred pounds, so that 400 talents were equal to 40000 pounds; still he could never have perceived such an enormous difference between those two sums as his expressions imply. *Pometinæ manubiæ vix in fundamenta suppeditavere. Eo magis Fabio—crediderim—quam Pisoni, qui xl millia pondo argenti seposita in eam rem scribit: summam pecuniæ neque ex unius tum urbis præda sperandam, et nullius, ne horum*

of which that sum was the tithe,—four hundred talents, or forty thousand pounds of silver—to have been only the tenth part; so that the remaining nine must have been given up to the soldiers, every one of them receiving five pounds of silver, or five thousand ases. Nay, once on the wing they do not stop here; these 4000 talents, near a million sterling, were nothing more than the gold and silver found in Pometia: all the rest of the property was abandoned to plunder¹¹⁵⁶. It is worth remarking that the very author who banisht all marvels out of his history, took no offense at this enormous absurdity. But even the number given by Fabius, out of which this fiction was spun, betrays its fictitious origin: for, assuming that the booty, after the principle of the ancient confederacies, was divided between the Romans, Latins, and Hernicans, the tithe on the whole, if the Roman share was forty talents, amounted to thrice as much, that is, to twelve times ten talents: where accordingly we find the very same numbers on which these meagre fictions are perpetually ringing the changes³⁷. Nay, Pometia cannot possibly have been destroyed under Tarquinius; for a few years after, in the first age of the consulate, it is besieged and taken*: and its greatness no doubt is entirely fabulous. It may be true

quidem magnificentiæ operum, fundamenta non exsuperaturam. Livy cannot have been thinking of smaller talents than the Attic; and between these and the Italian the difference was only that between 2400000 and 4000000 drachms.

1136 Dionysius iv. 50, compared with Livy i. 55. This on a calculation gives us an army of 72000 men; and the share of every soldier, merely in hard cash, is equivalent to 50 beeves. See p. 453.

37 With such barrenness of invention did those annalists, to whom Dionysius looked for more copious details, go to work, perpetually repeating themselves, and transferring incidents from one story to another, that the spoils won from the Latins, not in alliance with them, at the battle of Regillus, out of which spoils games were celebrated, were set down at 40 talents. : Dionysius vi. 17.

* Livy ii. 17.

that the Pomptine marshes derive their name from Pometia, and that a city so called once stood on the hills at the edge of them: it certainly did not stand within them,—where it has only been placed, because no trace of it was to be found, and it might there have been swallowed up in the dreary swamp—for the air must always have been pestilential. If this morass was ever cultivated more widely than at present, it can only have been as the result of successful drainage; and after all the extent can never have been considerable: for it is not a piece of land that has been inundated; the correct view is, that there was once an arm of the sea here stretching in behind sand-hills, and that it has gradually been converted into a swamp: during which process however many thousand years more have past away, than was supposed by those who imagined that this was the state of things in the times of the *Odyssee*. I shall hereafter give my reasons for conjecturing that there was no Suessa called Pometia, and that the only town of that name was Suessa Aurunca*..

Thus in the story of this king again both the outline and details vanish before us when we put them to the test. Even his abolishing the institutions of Servius cannot be admitted without limitation: for the array of the army in maniples implies the existence of centuries and a census; and so do the comitia held immediately after his fall.

As to the particular acts of tyranny told of Tarquinius, they are the more suspicious, because, when a man is fallen, vulgar party-spirit esteems it allowable, and sometimes even a point of duty, to indulge in the utmost exaggeration of his guilt, nay often in calumnious inventions. There is the air of such an invention in the story that he introduced human sacrifices¹¹³⁸: and, as even slander must have a national character, one Asiatic writer says,

* See Vol. II, note 186.

¹¹³⁸ Macrobius *Saturn.* I. 7.

that he invented instruments of torture¹¹³⁹; another, that he castrated boys and deflowered brides⁴⁰.

That Brutus procured the banishment of the Tarquins in his capacity of tribune of the Celeres, was demonstrated by the *lex tribunicia*⁴¹. From this source came the information that he held that office: the lay which spake of his feigned idiocy, cannot have known any thing about it, and was incompatible with it: the annalists combined the two stories. That poetical tale was perhaps occasioned by his surname; which yet may have had a very different meaning from the one there affixed to it. I have before observed that Brutus in Oscan meant a runaway slave⁴²: now it is easy enough to understand, that the partisans of the Tarquins may have applied such a term to him, and that on the other hand he and the Romans might not be sorry to let the nickname pass into vogue.

The coming of Sp. Lucretius with P. Valerius, of Collatinus with Brutus, to the house that had been desecrated, and their joining in vowing the banishment of the tyrants, has quite the look of a historical fact: and yet this "oath of the four Romans"* is only symbolical of the union between the three patrician tribes and the plebs: although it is by no means my intention to deny that these very four men may have represented their orders, each the one he belonged to, or that perhaps until the consulship was established they governed the republic. Valerius stood for the Sabines. That Lucretius belonged to the Ramnes would be clear even from the legal tradition that the lictors went from Valerius to him owing

¹¹³⁹ Eusebius Chron. N. 1469. Ἐξεῦρε δεσμά, μάστιγας, ξύλα, εἰρκτὰς, φυλακὰς, κλοιοὺς, πέδας, αἰλύσεις, ἐξορίας, μέταλλα, καὶ εἴτι ἄλλο κακόν. So also Isidor. Origin. l. v. c. 27.

⁴⁰ Theophilus ad Autolyc. iii. 26.

⁴¹ Pomponius l. 2. D. de origine juris. See note 1164.

⁴² See above pp. 62. 96.

* It reminds us of the oath of the three Swiss on the Rütli.

to his superior rank¹¹⁴³. But it follows still more decidedly from his office as governor of the city, which was attached to the dignity of the first senator, that is, of the first among the ten first of the Ramnes⁴⁴: hence Lucretius was interrex. Collatinus, as a Tarquin, was one of the Luceres⁴⁵; and Brutus a plebeian⁴⁶.

1143 We must not let ourselves be misled by Cicero's saying of them (de re p. ii. 31), suos ad eum *quod erat major natu* lictores transire jussit (Valerius). The story refers to the precedence of the *consul major*, with regard to the meaning of which phrase even L. Cæsar felt uncertain: see Festus v. majorem consulem. The epithets of the *pâtres*, *majores* and *minores*, were perpetually, though in a variety of ways, perplexing the Romans of a later age, whose errors were repeated by Dionysius and Livy. The Ramnes were just as much *majores* in comparison with the Tities, as both of them were in comparison with the third tribe. Dionysius ii. 47. (where instead of νεωτέρους οὓς ἐκάλεσαν πατρικίους we ought to write οὓς νεωτ. ἐκ. πατρ.), and 57. 'Οἱ μὲν ἐκ τῶν ἀρχαίων βουλευτῶν ᾤοντο—οἱ δ' ἐκ τῶν ὕστερον ἐπεισαχθέντων (the Tities), οὓς νεωτέρους ἐκάλουν. Moreover I suspect that the Roman youths are wronged when the conspiracy of the Vitellii and Aquillii is ascribed to the facility with which their age may be seduced. The eponym of the former was no other than Italus himself (see above p. 14); and in the house of the Aquillii we find the surname Tuscus: hence they were both Tyrrhenians, and so probably Luceres: and the *minores*, whose irritation against the Tarquins was only transitory, and among whom their ambassadors would naturally look for conspirators, seem to have been mistaken for *juvenes*.

44 This I shall shew in the next volume in the section on that office.

45 See above p. 372.

46 On this point see the next section. The forms of the constitution are so completely lost sight of in the interest of the poetical story, that not a word is said about the senate at the revolution: yet it was absolutely impossible for the curies to pass any decree without a previous resolution of the senate; and the mention of Sp. Lucretius, as holding the double office (see Vol. ii. note 236), shews manifestly that in the law-books all the particulars were fully reported. As first senator he was prefect of the city, and brought forward the measure before the senate; not before the curies; that was the business of the tribune of the Celeres: as interrex he merely presided in putting to the vote the election of the candidates proposed by the senate. Even on this point however a trace of the correct account may be discovered, strangely enough, in

The story of Lucretia's misfortune and of the consequent expulsion of the Tarquins is inseparably connected with the camp before Ardea. Now since we find the Romans in the treaty of the first consuls with Carthage stipulating as protectors for the people of Ardea as for a subject Latin city¹¹⁴⁷, the statement that at the moment of the revolution a fifteen-years truce was concluded with them, cannot be maintained: nor can the war itself be saved from falling along with it; except by such arbitrary proceedings, as the very persons who assert the historical character of these legends, scruple not to allow themselves; namely, by assuming that the truce indeed is a misrepresentation, but that Rome may have reduced Ardea to subjection in the interval.

Now as in this narrative we find marks of invention and alteration throughout, I will not leave the perplexing part of what is related of Collatinus standing in its enigmatical form, but will hazard an explanation of it. It is revolting beyond belief, that the death of Lucretia should not, at least as a pledge, have redeemed her husband, and her children, if she left any, from banishment: and the commonplaces about the unjust jealousy of republics, which were used to get over this difficulty some nineteen hundred years ago*, would nowise lessen the people's guilt. But what if the marriage of Collatinus with the daughter of Tricipitinus was merely a fiction, to account for, or to excuse the appointing a Tarquinius to the consulate?

Dionysius, where Brutus tells the citizens they had to hear and to decide on the measures decreed by the senate: *εἰὰν τὰ δόξαντα τῷ συνεδρίῳ μαθόντες ἐπικυρώσητε τὸ δοχθέν*: iv. 84. These measures are no other than those which according to his account were agreed upon by the four men in the house of Collatinus.

¹¹⁴⁷ Καρχηδόνιοι μὴ ἀδικεῖτωσαν δῆμον Ἀρδεατῶν—μηδ' ἄλλον μηδένα Λατίνων ὅσοι αὖν ὑπήκοοι. Polybius iii. 22.

* Cicero de Offic. iii. 10. de Re p. ii. 30, 31. Livy ii. 2.

At Athens the first step was to withdraw the splendour of kingly sovereignty along with its title from the Codrids: next their diminished power was limited to a term of ten years; before the archonship was made annual and thrown open to other houses; then to the rich among the eupatrids; and finally to every full citizen, being now no longer anything but a brilliant phantom. In like manner the supreme power, or some memorial of it, descended in other Greek states from the king upon *prytanes* of the house he had belonged to. It might seem as if in an elective monarchy, like Rome, there would be no overruling necessity for so gradual a transition: and yet such a necessity would be felt, if we suppose that the power of the Tarquins was in fact already looked upon as hereditary, and that the lesser houses by their means had acquired such a preponderance as may have been the chief reason which induced the major houses to unite with the commonalty. In such a case it is even extremely probable that a conciliatory compromise would be made with the Tarquinian house, allowing that one of them elected by the people should partake in the supreme power; more especially in a state where the advance of the constitution was more gradual than in any other. This is the more credible, as a like privilege seems to have been afterward granted to the Valerii and the Fabii. In this way Collatinus may have obtained the consulship: but the change going on in the state would not halt long at this first step: the Tarquiniî furnished grounds for suspicion, and the whole house was banished¹¹⁴⁸: a record which

1148 Cicero de Re p. ii. 25. *Civitas exulem et regem ipsum, et liberos ejus, et gentem Tarquiniorum esse jussit.*—31. *Nostri majores Collatinum innocentem suspicione cognationis expulerunt, et reliquos Tarquinius offensione nominis:* which passage also draws a very clear line of distinction between the kinsmen and those members of the house who were not connected by blood. Livy ii. 2. *Ut omnes Tarquinia gentis exules essent.* He separates this from the decree, *exules esse L. Tarquinius cum conjuge ac liberis.* i. 59 Varro Antiquit. xx. p. 209,

is the more instructive, as it represents them under an entirely different aspect from that of a single family, the grandchildren and great-grandchildren of Damaratus.

in Nonius III. v. Reditus: *Omnes Tarquinius ejecerunt*, ne quam reditiōnis per *gentilitatem* spem haberent: that the royal family might not cherish any hope of being restored by the other members of their gens.

THE BEGINNING OF THE REPUBLIC, AND THE TREATY WITH CARTHAGE.

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THE Tarquiniî, from what has been said, may have rejoiced, even more so than any other citizens, at a change, by which the power, until then enjoyed by a single individual, was placed annually within the reach of every noble member of their house, and was secured to them, without being stript of anything but its priestly dignity. For the kingly power was transferred, with no abridgement but this, to the annual magistrates, who in those times still retained the name of prætors. Hence that accurate writer, Dion Cassius, deviating from all others, does not use the name of consuls until after the decemvirate; when, as he conceived, the title was changed¹¹⁴⁹. I shall allow myself however to follow Livy and Dionysius in giving this glorious name to the immediate followers of the kings. For which reason I will here introduce the remark, that this title is neither to be derived from *consulting* the senate, nor from giving *counsel*⁵⁰: for, especially

¹¹⁴⁹ Zonaras vii. 19. Livy too at the same period of his history (iii. 55) mentions that *prætor* had been the earlier name. Zonaras is so punctual a copier that up to this time he always uses στρατηγός.

⁵⁰ The former explanation was preferred by Varro: the latter by Dionysius (iv. 76); and was given by L. Attius (Varro de L. L. iv. 14. p. 24.) in his *Brutus*. This play was a *prætextata*, the noblest among the three kinds of the Roman national drama; all which assuredly, and not merely the Atellana, might be represented by wellborn Romans without risking their franchise. The *prætextata* merely bore resemblance

at the beginning of the republic, commanding was far more than either the one or the other the distinguishing attribute of the consulate. Without doubt the name means nothing more than simply *collegues*: the syllable *sul* is found in *præsul* and *exsul*, where it signifies *one who is*: thus *consules* is tantamount to *consentes*, the name given to Jupiter's council of gods.

It assuredly was merely from representations of the legitimate procedure in consular elections drest up in a historical form, that the historians took their positive statement as to the first consuls being elected by the centuries¹¹⁵¹. This certainly is not historical evidence: yet although the election afterward rested with the curies, we can discover how it was usurpt; and it is not conceivable that at the very first, when the plebs was treated with indulgence, the laws of Servius should have been violated. Only by a union with the commonalty could the older tribes drive the third back within bounds; and hence they allowed those laws to be executed so completely that the plebeian L. Brutus was chosen one of the first consuls.

to a tragedy: it represented the deeds of Roman kings and generals (Dionysius III. p. 487. Putsch.); and hence it is evident, that at least it wanted the unity of time of the Greek tragedy; that it was a *history*, like Shakespeare's. I have referred above (p. 484) to a dialogue between the king and his dream-interpreters in the *Brutus*, which must have taken place before Ardea: the establishment of the new government, which must have been the occasion of the speech, *qui recte consulat consul siet*, occurred at Rome: so that the unity of place was just as little observed. *The Destruction of Miletus* by Phrynichus and *the Persians* of Æschylus were plays that drew forth all the manly feelings of bleeding or exulting hearts, and not tragedies: for these the Greeks, before the Alexandrian age, took their plots solely out of mythical story. It was essential that their contents should be known beforehand; whereas the stories of Hamlet and Macbeth were unknown to the spectators: at present parts of them might be moulded into tragedies like the Greek; that is, if a Sophocles were to rise up.

¹¹⁵¹ Comitibus centuriatis, says Livy: κατὰ λόχους in the field of Mars, Dionysius.

For I confidently regard Brutus as belonging to the plebs, which he represented among the four men. The Junian house looked upon him with pride as the founder of its nobility¹¹⁵²: and that they, especially the Bruti, were plebeians after the time of the Licinian law, is unquestionable: it is proved by their being tribunes of the people down to the end of the republic⁵³; and in the fifth century more than one Junius Brutus appears in the consular Fasti as the plebeian colleague. Now it is true that in many cases plebeian families were in later ages the only surviving descendants of patrician houses; and it is possible, although an instance in point will hardly be found, that such a family may have retained the peculiar surname of the patricians to whom they were allied: but is it not exceedingly strange, when we keep in mind the distinction between a house and a family, that before the Licinian law not a single Junius occurs in the Fasti? even admitting that the immediate posterity of Brutus were extinct. The L. Junius Brutus too, who is mentioned by Dionysius sixteen

¹¹⁵² Cicero Brut. 14. (53.) Philip. i. 6. (13). It can only have been in consequence of their deducing their race like the Sergii and Cluentii from one of the companions of Æneas, that Dionysius (iv. 68) attributed that descent to the founder of the republic. When the eponyms of the houses were once supposed to have been their progenitors, such a genealogy was at all events just as well suited to a plebeian house, that came from some Alban or Latin town, as to one of the Ramnes.

⁵³ Dionysius, v. 18, uses this very argument to shew that the later Junii Bruti were totally unconnected with the founder of the commonwealth. He may have been sincere in this belief, and so may Dion, xliv. 12: but the former cannot possibly be so in the odious picture, which, when relating the secession of the commonalty, he tries to give of the plebeian orator, L. Brutus, (supposing him to be the ancestor of M. Brutus), as of a mischievous incendiary; although all the demands ascribed to him are perfectly reasonable and judicious. The opinions profest after the battle of Philippi are worth still less than those, slight as their grounds may also be, which were held in the time of Cicero. If Posidonius fancied he discerned a likeness to the features of the ancient statue (Plutarch Brut. i.), this only proves that he looked with eyes of fondness.

years after the first consulate as one of the two first tribunes of the people, afterward as ædile, and of whom he has a great deal to tell us¹¹⁵⁴, but of whom Livy knows nothing, was probably not a totally fictitious person, but one transferred by some plebeian annalist to that age from one somewhat later, for the sake of ascribing the establishment of the freedom of the plebeians to a kinsman of the founder of the commonwealth. I have already remarked that, unless the consulate was shared between the two orders, all the liberties of the plebeians were left without a safeguard: and as the Licinian agrarian law in fact only revived that of Cassius, which ought to have been in force during the foregoing hundred and twenty years, and which itself had only given effect to an ordinance of Servius; in the same way the Licinian law on the consulate seems only to have given a tardy effect to a very ancient principle of the constitution. The legend indeed calls L. Brutus the son of Tarquinia; but this no way tells against his being a plebeian; for it belongs to the fable of his assumed idiocy: and even if we adopt that account, yet marriages of disparagement were never forbidden, and were even frequent. Though in fine it seems difficult, as I admit, to reconcile his being tribune of the Celeres with his being a plebeian, yet the usurper might assume the disposal of a place which legally ought to have been conferred by election: this was done by the Greek tyrants whenever they pleased. It is clear that in such a state of things the rights of the orders would not be regarded: Tarquinius having availed himself of the jealousy of the patricians would now have to watch them: Brutus too may have deceived the tyrant by pretended devotedness, in order to destroy him⁵⁵. Moreover it is to

¹¹⁵⁴ Throughout the history of the secession in the sixth book, and in the seventh in the account of the law by which the tribunes secured themselves from interruption when addressing the people.

⁵⁵ I will not lay any stress on the passage where Dionysius expressly says (iv. 71) that the king bestowed the office on Brutus with a view of

the point to remark that the office of the *magister equitum* was universally regarded as a continuation of that tribunate, and yet a plebeian could hold it at the time when the consulship was still closed against his fellows*. As soon as the patrician tribes were united among themselves, the enjoyment of this right might easily be withdrawn from the commonalty, by a little boldness, and the crafty pretence of giving them a compensation by other freer privileges.

The elective kings of Rome enjoyed the same honours as the hereditary kings sprung from heroic houses: but the custom for a whole people to mourn for such on their decease was not peculiar to Lacedemon; and in this way no doubt those of Rome too were mourned for. I conceive that the testimonies of sorrow which the matrons were said in the ceremonial books to have given for the death of Brutus and Valerius, must have been acts of homage which, so long as the consul was held to have succeeded to the full rights and privileges of the king, were paid to every one who died during his year of office.

But however near the majesty of the consuls may have approacht to that of the kings, the patrician class at least was far better secured against a consul abusing his power: first by the interposition of his colleague, and next by the annual duration of his authority. To bring a complaint against the kings was impossible, as it continued to be against every one while in office: a consul, if not re-elected, sank to the level of a private citizen; and then the quæstors might impeach him.

These public accusers, and not the keepers of the public purse, must have been the quæstors spoken of in the curiate law by which Brutus had it enacted that

undermining its authority: although this doubtless was also the case if we suppose that an alien to the order was invested with it.

* See note 1259. Pomponius Dig. Lib. i. Tit. ii. l. Dictatoribus Magistri Equitum injungebantur: sic quomodo Regibus Tribuni Celerum.

their office should continue on the same footing as under the kings: it assuredly was only by inference that Tacitus, who seems to have known this law merely at second hand, and who found a statement of the first time that the centuries appointed to this place, not perceiving that by the decemviral code the election was transferred to them from the curies, concluded that the *quæstors* had previously been named by the consuls, and before by the kings. That they were chosen by the people, that is, by the curies, under the monarchy, was expressly stated by Junius Gracchanus¹¹⁵⁶. It is immaterial here that Tacitus and Ulpian both confound the *quæstores classici* with the *quæstores parricidii*: which same mistake must lie at the bottom of Plutarch's account; although he explicitly states that the establishment of a public treasury, and the right of electing two treasurers conferred on the people, were among the enlargements of liberty for which the republic had to thank the consul Publicola⁵⁷. He appears to have heard some report of the same law of the curies, differently modified, and referred to Publicola instead of Brutus.

There is the same fluctuation between Brutus and Publicola in the account of the filling up the number of the senate: Livy ascribes it to the former; Festus and Plutarch to the latter; Dionysius, combining the two accounts, to both. Tacitus, who tells us that Brutus raised the minor houses to the patriciate⁵⁸, is on the side

¹¹⁵⁶ Tacitus Annal. xi. 22. Ulpian Dig. i. 13. Quos (reges) non sua voce sed populi suffragio crearent. Compare Lydus de Magistr. i. 24.

⁵⁷ Publicol. c. 12. ταμειῶν ἀπέδειξε—ταμίας δὲ τῷ δήμῳ δύο τῶν νέων ἔδωκεν ἀποδείξαι. Plutarch drew much of his early Roman history from Valerius Antias; and we can easily conceive that this writer, vain of the house to which he in some measure belonged, would ascribe all he could to Publicola. The word *νέοι* seems to be taken from the usage of later times: in this place we can hardly suspect that there was any confusion between the *νέοι* and the *νεώτεροι*.

⁵⁸ Annal. xi. 25.

of Livy: for he, like Dionysius, is misled by the notion that the patricians were noble families, the posterity of such individual senators as were appointed at the foundation of the state, or on some later occasion with regard to which opinions differed. In this way he overlooks the change made by Tarquinius Priscus; from fixing his eye on the other great augmentation, when, after the establishment of the consulate, plebeian knights were admitted into the senate; when therefore it first began to be composed of *patres* and *conscripti*¹¹⁵⁹, patricians and such as were called up by the consul. The account placing the latter at 164 must certainly be a fabrication of Valerius Antias⁶⁰: these totally arbitrary numbers were a trick by which he tried to give his fictions a delusive resemblance to genuine accounts.

Livy says, the tyrant had emptied the senate-house by his executions⁶¹: this too must be an exaggeration: and whatever quantity of blood may have flowed, there was no want of patricians to make up the complement; inasmuch as thirty years afterward the Fabii, even if they did not amount to three hundred, were yet so numerous that they formed a settlement. It is more likely that very many seats were vacated by the banishment or emigration of the adherents of the Tarquins. If we look at the matter historically, it was the necessity of quieting the second estate, that moved the patricians to agree for the time to admitting these senators: and if the personifying principle be consistently applied, we shall assign this equalizing measure to Brutus, considered as a plebeian.

To frame a conception of the state of things which led at that time to a new system of filling up the senate, it is in the first place requisite that we should entirely

¹¹⁵⁹ Livy II. I. Festus v. Qui patres, qui conscripti.

⁶⁰ Festus as before. Plutarch Publicol. c. 11.

⁶¹ I. 49. II. 1. Cædibus *regis* in this passage is the old spelling for *regiis*, which has been left in the text from heedlessness.

dismiss the illusions of the factitious chronology, and not let ourselves be disturbed at the too great length or shortness of the interval by which certain points seem to be separated.

Though the forming the three new equestrian centuries restored the possibility of calling up one out of every house to the senate of three hundred, still the houses thenceforward began anew to suffer the lot of all exclusive bodies: they died off, and the more rapidly as marriages of disparagement must have been frequent, in which case the issue followed the baser blood¹¹⁶²: and thus the number of the senate would again fall off further and further from the full complement. For this there was a remedy, in case the deputies were summoned and the vacancies filled up no longer by houses, but by curies: and this step on the road from the point where a summons was claimed as a right, toward a perfectly free choice, was a great advance made by the elective power: it was brought about by that Ovinian tribunician law, of which we read in Festus⁶³. Judging from our knowledge of the ancient phraseology, such a law must have been one past by the curies, on being proposed to them by a tribune of the Celeres⁶⁴: Festus however did not understand it in this way, since he foists in the censors: and as he surely cannot have looked upon it as a decree of the plebs, he must have conceived that it was a law brought forward

1162 It may be questioned however whether the son of a plebeian woman so married was always admitted into the commonalty; and we may suspect that in early times this body also was much more exclusive, so that his birth would only place him among the ærarians.

63 Ovinia tribunicia sanctum est ut censores ex omni ordine optimum quemque curiatim in Senatum legerent. Festus v. Præteriti Senatores. *Ex omni ordine*, which Festus copied literally from Verrius, is perfectly correct: out of *the whole order* (without regard to any particular gens); not, out of *all the orders*. Indeed there were but *two* of them.

64 Exactis regibus lege tribunicia; that is, by the lex curiata of Brutus. Pomponius l. 2. D. de origine juris.

by a military tribune. We do not indeed read any where of such a tribune as Ovinus; the name however may have been miswritten. Gradual as was the march of change in the constitutions of antiquity, this innovation must have preceded the reception of the *conscripti*: that is, it must either have been enacted by a law of the curies under the kings; or on the other hand it is false that plebeians were admitted into the senate so early as under the first consuls.

Supposing however that they were so, the practice cannot have continued during those years when the patricians took back all they had conceded as having been extorted from them. Even after the Licinian law the plebeians still seem for a long time to be the smaller number in the senate: yet they were already sitting there before they attained to the quiet enjoyment of the right to be chosen military tribunes¹¹⁶⁵. Accordingly, the senate having thus become a mixt assembly, a new system must have been adopted in filling up the interregal office, which was and continued to be confined to the patricians. The distinction between the patrician tribes could no longer be attended to on such occasions; there were no longer ten decuries of the greater houses: therefore either the patrician senators formed a committee to appoint the interrexes, or they were chosen by the curies⁶⁶.

Among the republican institutions the origin of which was carried back to the first consulship, is the assignment of farms to the plebeians in lots containing seven jugers of arable land: this measure is said to have been taken on the banishment of the kings⁶⁷. Nothing but the

¹¹⁶⁵ Livy, v. 12, says of P. Licinius Calvus, whom he calls the first plebeian military tribune, *vir nullis ante honoribus usus, vetus tamen senator*.

⁶⁶ See above p. 335. Livy iv. 7. 43. vi. 41. xxii. 34. The expression, *patricii coibant ad prodendum interregem*, may be interpreted in either way. *Coire* contains a reference to the *comitium*.

⁶⁷ Pliny xviii. 4. Columella De Re Rust. i. iii. 10.

royal demesnes can have been large enough for such a distribution; whereby all who received an allotment were united against the restoration of the old order of things. The tradition that the field of Mars either formed a part of these demesnes, or was the property of the Tarquins, would be contradicted by a Horatian law¹¹⁶⁸ conferring honours on the Vestal Tarratia in reward for her gift of it to the Roman people; if it were not inconceivable that this large plain belonged to a single proprietor, and far more likely that she merely gave a field in the neighbourhood⁶⁹.

The stories that recorded the various changes in the commonwealth, went back to this period for the origin of the right of private citizens to speak in the great council of the curies: some of them tracing it up to Brutus, who conferred it on Sp. Lucretius⁷⁰; the Valerian narratives to Publicola. There is the same disagreement between these accounts as to the emancipation of Vindicius, which however in consistency should be ascribed to Brutus: that act was the model according to which every day the court sat a slave might be raised to the full enjoyment of freedom by the *vindicta*: which formality supplied the fabulous *Vindicius* with his name; although an Italian, on becoming a slave, lost his gentile rights with his freedom, and so could no longer bear a gentile name, such as this would have been, but was called *Lucipor* or *Marcipor*. After the death of Brutus, Publicola granted a general permission for any one to be a candidate for the consulship⁷¹: this was doing away with the rule that none should be put to the vote but such as the senate proposed, and looks like a specious compensation

¹¹⁶⁸ Gellius vi. 7.

⁶⁹ Perhaps the law mentioned only the *campus Tiberinus*, and *sive Martius* may have been an explanation added by Gellius.

⁷⁰ Dionysius v. 11.

⁷¹ Plutarch Publicol. c. 11. ὑπατείαν ἔδωκε μετιέναι καὶ παραγγέλλειν τοῖς βουλευμένοις.

to the plebeians, giving them a freer choice, instead of the share in the supreme office which had been withdrawn from them. Moreover he is called the author of the custom that the consul out of the superior tribe should first have the fasces carried before him; and finally of the practice to pronounce funeral orations upon distinguished citizens; himself paying that honour to Brutus.

The right understanding of the word *populus* dissipates the fancy that *Poplicola*, the surname of Valerius, was the designation of a demagogue like Pericles, who courted the favour of the multitude. The assembly before which P. Valerius ordered his lictors to lower their bundles of rods disarmed of their axes, in acknowledgement that all authority emanated from it, was a *concilium populi*¹¹⁷², the great council of the patricians. Besides the consul had no business to transact with an assembly of plebeians; still less was it a source of his power: and the words cannot mean that of the centuries; because this was a *comitiatus*, not a *concilium*; and did not meet in the city, but in the field of Mars, from whence the Velia is not in sight. To the curies then did he propose that law, by which whoever should aim at usurping kingly power, or, according to other reports, should exercise authority without being invested with it by the people, was together with his substance devoted to the gods⁷³. This was a declaration of outlawry, and

1172 Vocato ad *concilium populo*, submissis fascibus in concionem ascendit:—confessionem factam, *populi* quam consulis majestatem vimque majorem esse. Livy II. 7. Our historian indeed was somewhat in the dark about the meaning of the old constitutional terms, and therefore mixes up the *multitudo* with his narrative: for it certainly never entered his thoughts, that this expression might be correctly applied to the patricians of the early ages. To the annalist from whom he copied the decisive words, the matter must have been perfectly clear. See above note 987.

73 De sacrandō cum bonis capite ejus qui regni occupandi consilia inisset. Livy II. 8. Here the genuine formulary is discernible. Dionysius gives an explanatory paraphrase of it: v. 19. Plutarch divides it into two laws: Publicol. c. 11, 12.

gave the consul the right of putting the criminal to death without being amenable for doing so, and every individual that of killing him. The ceremony of devoting a guilty head was without doubt a relic from the times of human sacrifices; for criminals, if possible, were everywhere selected for the victims. In this manner patrons or clients who violated their reciprocal duties, and a husband who sold his wife after she had placed herself in the relation of his child, were devoted to Dis; he who put a magistrate of the commonalty in peril, to Jupiter; he who thievishly cut, or fed his cattle on, a field of corn, to Ceres¹¹⁷⁴.

The purpose of this law was to ensure tyrannicide; its effect, to give impunity to murder. A better foundation for Publicola's fame is afforded by another, which is said to have been the first enacted by the centuries⁷⁵. The curies in granting the *imperium* conferred the power of punishing disobedience to the supreme authority, capitally, corporally, by imprisonment, and by mulcts; even in the members of their own body: but these had the right of appealing from the sentence to their great council⁷⁶. This same right of appealing to the commonalty, of trial by their peers, was given by the Valerian law to the plebeians⁷⁷. I say, to the commonalty: for the appeal lay to the plebeian tribes⁷⁸, not to the centuries:

¹¹⁷⁴ Dionysius II. 10.—Plutarch Romul. c. 22. See above p. 228 note 635.—Livy III. 55.—Pliny H. N. XVIII. 3.

⁷⁵ Cicero de Re p. II. 31. Only it must not be forgotten that the curies at all events had to give their assent.

⁷⁶ It is of the patricians that we must understand, *provocationem etiam a regibus fuisse*. Cicero de Re p. II. 31. See above p. 338, note 862.

⁷⁷ Livy III. 55. Cum *plebem*, hinc provocatione, hinc tribunicio auxilio, satis firmassent (the consuls, L. Valerius and M. Horatius). 56. Fundata *plebis* libertate. x. 9. M. Valerius consul de provocatione legem tulit. Tertio tum lata est, semper a familia eadem.—plus paucorum opes quam libertas *plebis* poterant.

⁷⁸ When Volero Publilius was opposing an act of outrageous

hence the maintenance of this right was placed immediately under the guardianship of the officers who presided over the tribes.

This right of appeal did not extend beyond a mile from the city¹¹⁷⁹: here began the unlimited *imperium*⁸⁰, to which the patricians were no less subject than every Quirite: on the strength of this L. Papirius had the right of exacting the blood of Q. Fabius*.

The Valerian law was not enforced by anything more than a declaration that whoever violated it acted wrongly: and Livy is touched by this, as a proof of the virtue of the olden times; yet there is no point on which they are less deserving of such admiration. If no determinate punishment was affixed, it was because it is indispensable that the right of self-preservation residing in the supreme power should be undisputed, and not nullified by any unalterable limitations. Thus the transgressor might be condemned by the people to a heavy punishment proportionate to his guilt; but at the same time the extreme of violence done to the letter of the law might be pronounced innocent: only it was requisite that to arraign the criminal there should be certain inviolable representatives of the commonalty; who might also interpose and give protection in the moment of need.

These laws are said to have been passed in the first year after the banishment of the Tarquins: and in the same year the earliest treaty between Rome and Carthage was concluded; which Polybius translated from the original

injustice, the consuls ordered the lictors to seize him, to strip him, and to strike: but he τοὺς τε δημάρχους ἐπεκαλεῖτο καὶ εἴτι ἀδικεῖ κρίσιν ἐπὶ τῶν δημοτικῶν ὑπέχειν ἡξίου. Dionysius ix. 39.

¹¹⁷⁹ Neque enim provocationem esse longius ab urbe mille passuum. Livy III. 20.

⁸⁰ Here accordingly began the *judicia quæ imperio continentur*, the appointment of which courts was conferred by the *imperium*. Gaius iv. 105.

* Livy viii. 32.

brazen tables then existing in the Capitol in the archive of the ædiles, the language being so obsolete that in some parts even the more learned among the Romans could only guess at the meaning¹¹⁸¹. Livy perhaps made no inquiries at all for what was authentic and historical in these ancient times: perhaps Macer—among the annalists out of whose labours Livy constructed his work, the one who seems to have spent the greatest care upon original documents—had never read the books of Polybius; and it is not unlikely that the tables had perisht in the flames of the Capitol, before Macer began his researches; thus much may be considered as certain, that Livy, whose practice throughout was only to collect the materials of his work during its progress, did not make use of Polybius, whose value was by no means generally recognized in those days⁸², till he reached the Punic wars. When he wrote his second book, he probably had never heard of this treaty. Though had it been otherwise, he too would not have been beyond the reach of a motive, which was strong enough to induce many a Roman to suppress his knowledge of that document: inasmuch as, being utterly irreconcilable with that poetical tale which had been transformed into a history, it divulged the secret of the early greatness of Rome and of her fall after the banishment of the Tarquins; a secret which her children in later times were foolishly anxious to keep concealed, as if it were an indelible blot on the honour of their ancestors.

At the time when the republic concluded this treaty, she still possess the whole inheritance of the monarchy. Ardea, Antium, Aricia⁸³, Circeii, and Terracina, are

¹¹⁸¹ III. 22, 26.

⁸² This gives us a better explanation of Livy's words, *haudquaquam spernendus auctor* (xxx. 45), than to take them as a rhetorical figure. Cicero judged differently from the fine writers of the Augustan age.

⁸³ The manuscripts have 'Αρεντινῶν, which is just as likely to be a mistake for 'Αρικηνῶν, as for Λαυρεντινῶν. Arician merchant ships, in considerable numbers, are mentioned by Dionysius vii. 6. Laurentum

enumerated as subject cities, and Rome stipulates for them as well as for herself. The whole coast is here called Latin, the country Latium: and its range is even more extensive than from Ostia to Terracina: perhaps it stretched as far as Cuma, for Campania did not yet exist; perhaps down to the borders of Italia¹¹⁸⁴. Even in these regions which were still free, the Carthaginians bind themselves neither to make conquests nor to build forts. The Romans and their confederates are inhibited from sailing into any of the harbours to the south of the Beautiful or Hermæan Cape; which forms the eastern boundary of the Gulf of Carthage: and this no doubt was not merely with the view, as Polybius conceives, of excluding them from the rich country on the lesser Syrtis. It was indeed more lucrative to make Carthage the staple for the produce of those regions, and thus secure the commercial profit on its exchange: but it was of still greater importance by this strict exclusion to cut off the possibility of any venturous Tyrrhenian mariners attempting to open an immediate trade with Egypt. This restriction must have been imposed in the same way upon the Etruscans, whose commercial treaties with Carthage were mentioned above on the authority of Aristotle*: and so must the following regulations. In Sicily—where in those times Carthage was not yet mistress of any province, but where on the northern coast of the Sicanians Motye, Soloeis, and Panormus, acknowledged her protecting authority; free Phenician towns, like Utica, Leptis, and Gades, and the remains of a multitude of settlements, which, before the Greeks entered the island, the Tyrians had possessed on every harbour and islet along the coast all round it⁸⁵;—the Carthaginians secured the same privileges to the Roman merchants as to their

was a small place: rather would Lavinium have been named: from the order followed in the list either of them would have come before Ardea.

¹¹⁸⁴ See p. 89.

* Note 402, p. 126.

⁸⁵ Thucydides vi. 2.

own. At Carthage itself, on the Libyan coast to the west of the Hermæan Cape, and in Sardinia, the Romans might land and traffick: but the sale of their cargoes was to be by public auction; and in that case the state was pledge to the forein merchant for his payment. This obligation was without doubt reciprocal, and was a twofold advantage to the stranger. For without it he would either have been in the hands of a few monopolizing houses; or have run the risk, if he sold his goods for a higher price to an insecure purchaser, of losing them entirely: besides public auction insured him against the exactions of the custom-house. For all duties were levied according to percentages of the value, and not by any fixt table: their produce moreover was farmed out, and so there was still more danger of an exorbitant valuation.

Down to the latest times all Roman public documents were attested by the mention of the consuls under whom they were drawn up: in a treaty more especially such a statement cannot have been omitted. Thus it might be read in the treaty with the Latins, that it was concluded by Sp. Cassius¹¹⁸⁶: and as Polybius had no particular reason for introducing the names of the consuls of his own accord, it certainly cannot be questioned that the tables contained those of Brutus and Horatius as colleagues. This however overthrows the whole story, that after the death of Brutus P. Valerius remained sole consul, and at that time enacted those laws: as well as the other, that Sp. Lucretius was the successor of Brutus. Probably there were Fasti in which the four men were designated as the first rulers of the republic; and thus the name of Lucretius may have got into the list of consuls. Or this account might be invented in the following way: there were two statements in different Fasti as to the consuls of the year 247: the one, which Dionysius adopts, makes them Valerius and Horatius; the

1186 Livy ii. 33.

other, Valerius and Sp. Lucretius; and this was followed by Livy¹¹⁸⁷: both however allowed themselves to be misled by an annalist, who had devised a way of reconciling the difference. What, thought he, if Lucretius was appointed after the death of Brutus! surely Lucretia's father had a claim before all others to this honour. But he must have been very old; and if he died while still in office, Horatius might then succeed him⁸⁸. So that here again Dionysius is consistent after his own way; having a second consulship of Horatius in 247, in which he places the dedication of the Capitol: Livy heedlessly adopted the factitious statement, and yet has Lucretius as consul in the third year of the republic.

There is another difference between the Fasti of the two historians for the year 248, where Dionysius names Sp. Larcus and T. Herminius, of whose consulship Livy says nothing. Both of them were celebrated in the heroic lays, as the companions of M. Coccus on the bridge: hence the annalists bring them into the action in the war with Porsenna, for the sake of peopling the void of the old narratives with names. And since Dionysius himself says, nothing was recorded of their consulship⁸⁹, Livy assuredly here again gives us the old account with the least adulteration. In truth this pair is stuck in to fill up the gap of a year, as are several others: perhaps also to break the

¹¹⁸⁷ The editions read *P. Lucretius*, (ii. 15.): but the Florentine manuscript has the double name *Spurius Publius*, which has also past into other manuscripts belonging to the same family. *Spurius* is more commonly denoted by S. P. than by SP. To explain this, *Spurius* was written over it; and was afterward referred to the S alone.

⁸⁸ Apud quosdam veteres auctores non invenio Lucretium consulem, says Livy himself ii. 8. Servius, on *Æn.* vi. 819, says that, after the expulsion of Tarquinius, duo creati sunt consules, Brutus et Tricipitinus, pater Lucretiæ, qui et Tarquinius dicebatur: ob quod solum est urbe depulsus: et in ejus locum subrogatus est Valerius Publicola; quo mortuo item alter est factus: et alter similiter.

⁸⁹ v. 36.

series of the Valerian consulships. If they are erased, then during the first five years of the Fasti one of the consuls is always a Valerius; once Marcus, the other times Publicola. That there was some other cause for this than personal admiration, may be inferred from the extraordinary honours which that house inherited from these primitive times. Every one of them has a story connected with it: in this manner they stood in the books of the ceremonial law: I will confine myself to the facts.

The Valerii had a house at the bottom of the Velia, the only one in Rome of which the doors opened back into the street; this privilege having been accorded to them ever since the time when Publicola, or Marcus surnamed Maximus, received a grant of ground there to build on¹¹⁹⁰. They enjoyed the *προεδρία*, a Greek honour, of which there was no other example among the Romans: in the circus, the Roman theatre, a conspicuous place belonged to them, where a curule throne was erected⁹¹. They were allowed to bury their dead within the walls⁹²: and when they too had exchanged the older custom of interment for that of burning the corpse, although they did not light the funeral-pile on their burialground, the bier was set down there, as a symbolical way of preserving the right⁹³.

These distinctions, if meant as rewards for services, would also have been bestowed on others who performed much greater actions: but neither Camillus nor the Decii bequeathed any such honours to their posterity. They cease however to surprise us, if there be good ground for the conjecture, that, among the gradual changes

1190 Dionysius v. 39. Plutarch. Publicol. c. 20. Compare the Declaration de Harusp. Respons. 8. [16].

91 Livy ii. 31. Locus in circo ipsi posterisque ad spectaculum datus: sella in eo loco curulis posita.

92 Cicero de Legib. ii. 23.

93 Plutarch Publicol. c. 23.

of the constitution¹¹⁹⁴, the Valerian house for a time possess the right that one of its members should exercise the kingly power for the Tities. As soon as we take this point of view, the measures for tempering the consular power begin to look as if they had a historical foundation: nay even the story that Valerius pulled down his house at the top of the Velia and received a spot at the foot of it, becomes then intelligible enough, if that act be regarded as a pledge of his intention to exercise his royal authority as beseemed a citizen⁹⁵.

That the Tities are the tribe they would have represented, follows from the acknowledged Sabine descent of their house. Their eponym, Volesus, is mentioned as a Sabine, a companion of Tatius: and the Volésus who is made the father of Publicola and Maximus, nay also of a Manius and Lucius⁹⁶, is no other than this very person; with whom the great men of the ancient tradition were connected, in order that their father's name might not be wanting in the Fasti. Dion Cassius alone with his usual circumspection merely says that Marcus Valerius belonged to the same gens as Publicola⁹⁷. But how could the author of the Capitoline Fasti be satisfied, though his readers overlooked his inconsistencies, when following the annals in vogue he made the sons of this fabulous progenitor fill curule offices from 245 to 260,

1194 From the βασιλεία through a δυναστεία to an aristocracy.

⁹⁵ Dionysius II. 46. Plutarch Numa c. 5. Publicol. c. 1. Another story, how a Valesius settled at Rome, is found in Valerius Maximus II. 4. 5, and Zosimus II. 2. 3: he too is a Sabine, and likewise the progenitor of the Valerian house; for which reason Publicola sacrifices at his altar at Terentum.

⁹⁶ See the pedigree in Drakenborch's note on Livy, III. 25.

⁹⁷ Ἐκ τῆς τοῦ Ποπλικοῦλα συγγενείας γενόμενος. Zonaras VII. 14. A page before this the slovenly Byzantine, in transcribing from Plutarch's Publicola, calls Marcus his brother.

and then placed his grandson as military tribune under the year 338?

The fallacious assumption of a historical semblance spreads yet further. The poem made Marcus Valerius Maximus fall at the lake Regillus: and the whole tale of that battle being scrupulously retained as historical, a Manius was invented, and that too in late times, to whom whatever was recorded of Marcus,—the only one known in the days of Cicero and Livy¹¹⁹⁸,—in the Annals for the years after the battle might be transferred; even his surname of Maximus. The forger, supposing himself bound to reconcile the several stories, which one and all were to be received without a question, may have been perfectly honest, and have satisfied his conscience about the man whom he had made. How often have Manius and Marcus been confounded⁹⁹! But honest as he may have been, this itself is a fresh reason for rejoicing at our freedom from his prejudices, and for not allowing ourselves to be clogged by his perversity and narrowmindedness.

How long did the Valerii continue to hold the consulship for their tribe? when did the privilege come to an end? these are questions on which the Fasti can give us no information. The untenable character of the early Roman history does not spring from the nature of the constitution, so that certainty should begin with the consular government, because there is a register of the consuls for every year: its contents even on this side of the revolution are poetry and fiction: the Fasti, which are supposed to substantiate it, were framed with a view of filling up the given space of time. That the war with Porsenna should be placed by one set in the second, by others in the third year of the commonwealth, is far from an

¹¹⁹⁸ That is to say, in the manuscripts.

⁹⁹ The abbreviation for Manius in the square character is the Etruscan M turned over to the right.

immaterial difference, with regard to the greatest event of the period: but it is of much higher importance to observe that this war probably belongs to a considerably later time, and that in the whole account of it there is nothing able to stand the test of the slightest criticism, as historical truth.



THE WAR WITH PORSENNA.

THE narrative, which since the loss of the ancient Annals has chanced to acquire the character of a traditional history, relates that, after the battle by the forest of Arsia, the Tarquins, to obtain more powerful succour, repaired to the court of Lar Porsenna¹²⁰⁰, king of Clusium; and that he, when his intercession had been rejected, led his army against Rome in their behalf. But this cannot possibly have gained universal currency. Cicero, though he was very well acquainted with the celebrated legend of Porsenna and Scævola¹, says, neither the Veientes nor the Latins were able to replace Tarquinius on the Roman throne². So that he either held the Veientine war in which Brutus falls, to be the same with Porsenna's: or he discriminated between the latter, as a war of conquest, and the attempts of the neighbouring states to place the government of Rome in the hands of the man who had thrown himself on their protection, and who was to pay them dear for it. And such no doubt was the older and genuine representation.

In this narrative then the Etruscans under Porsenna march singly against Rome: and so the story runs in Livy: it is a palpable forgery in Dionysius to make Octavius Mamilius and the Latins take part with him: the son-in-law of Tarquinius forsooth could not possibly

¹²⁰⁰ The name is spelt both *Porsena* and *Porsenna*: it is a decided blunder however in Martial to shorten the penultimate.

¹ Pro Sest. 21. (48). Paradox. i. 2.

² Tusc. Quæst. iii. 12. (27). Tarquinius cum restitui in regnum *nec Veientium nec Latinorum* armis potuisset.

remain inactive. In the poetical account the Etruscan army appears at once and with an overwhelming force before the Janiculum; and the Romans in the fort upon it are overpowered and fly to the river. As the enemy was pursuing them, he was met by Horatius Cocles, to whom the duty of guarding the bridge had been entrusted, and by his comrades Sp. Larcius and T. Herminius. Three men saved Rome, as three had won for her the dominion over Alba; and in this case no doubt there was one from each tribe¹²⁰³. While they kept off the assailing host, the crowd behind them by their order tore down the bridge: immovably they bore up against the thousands of the enemy. M. Horatius bad his companions also go back, and withstood the shock of the foe alone, like Ajax, until the crash of the falling timbers and the shout of the workmen announced that the work was accomplisht. Then he prayed to father Tiberinus, that he would receive him and his arms into his sacred stream, and would save him; and he plunged into the waters, and swam across to the city, amid all the arrows of the enemy⁴. As a mark of gratitude every inhabitant, when the famine was raging, brought him all the provisions he could stint himself of: afterward the republic raised a statue to him, and gave him as much land as he could plough round in a day.

¹²⁰³ The Horatii were one of the minor houses: *ἐκ τῶν νεωτέρων*. Dionysius v. 23. The tradition too was uncertain whether they or the Curiatii fought for Alba: Livy i. 24: above p. 342. Hence it was deemed an act of presumption toward his colleague of the higher tribe, for the consul Horatius to dedicate the Capitol.

⁴ One cannot but be annoyed at the stupidity which thought Horatius had purchased his glory too cheaply if he came off without a wound, and so made a javelin pierce him through the thigh and lame him for life. Dionysius i. 24. Livy keeps clear of such wretched absurdities. It is another thing, when Polybius, whether after different accounts, or to get rid of every thing fabulous on so very momentous an occasion, writes that Cocles perished in the river. vi. 53.

The statue stood in the Comitium¹²⁰⁵: once on a time it was struck by lightning, and by the advice of perfidious aruspexes was removed to another spot where the sun never shone upon it. Their fraud however was detected: the statue was placed on the Vulcanal above the Comitium, and the Etruscans were put to death: this brought good fortune to the republic. In those days the boys sang in the streets:

Who ill aredeeth shall his own areding rue:

and the saying continued from that time forth in the mouth of the people⁶.

That the meaning of the expression *circummarare* in the grant to Cocles should be, that he was to have as much land as was inclosed within a furrow which at sunset again reached the point it had started from at sunrise—as Sultan Mohammed endows the hero of the Turkish ballads with as much of the plain of Macedonia as he can ride round in a day—would be inconceivable, if we had any right to look here for historical tradition. For such a line would comprehend pretty nearly a square league: and more than two hundred years after, when Italy had been subdued, but fifty jugers were bestowed on the conqueror of Pyrrhus; which he himself reproved as an act of extravagant prodigality*. The republic had neither means nor will to make such large grants: but the poet might overlook both these objections. The narrow limits within which the old Roman manners and

¹²⁰⁵ What Livy calls the Comitium, Dionysius calls ἐν τῷ κρατίστῳ τῆς ἀγορᾶς τόπῳ: which should be carefully noticed with a view to other topographical statements.

⁶ Gellius iv. 5. Malum consilium consultori pessimum est.

* Pliny xviii. 4. Valerius Maximus iv. 3. 5. Columella i. 3. Curius Dentatus, prospero ductu parva victoria, ob eximiam virtutem deferente populo præmii nomine quinquaginta soli jugera, supra consularem triumphalemque fortunam putavit esse: repudiatoque publico munere, plebeia mensura (septenum jugerum) contentus est.

laws aimed to confine landed property, salutary as they were to the state, did not on that account act the more as a check on the desires of individuals: wealth has in all ages been deemed the pleasantest meed of virtue: and as the poets in Epirus and on Olympus sing of the golden trappings on the horses of the klepts, and of the golden raiment of the damsels; so the *vates* likewise fabled of such splendid rewards for Cocles and Scævola, as Ennius would never have dreamt of as attainable by Scipio Africanus.

Just as little did they trouble themselves about the difficulty how Rome could be starved by an enemy who was only encamped on the Janiculum, even supposing him to have commanded the river. To account for this, the annalists devised certain predatory expeditions on the left bank; and then, to supply the dearth of action and do honour to their ancestors, they further invented a stratagem of the consuls, by which the Etruscans are drawn into a snare and suffer considerable loss.

For the poem it was enough that Rome was reduced to desperate straits by famine. Hereupon a young man, Caius, undertook, with the approbation of the senate, to kill the invading king. He was acquainted with the Tuscan language, and, making his way up to the prætorium, slew one of the king's attendants, instead of Por-senna. Being overpowered and disarmed, in scorn of the rack which awaited him he thrust his right hand into the flame of the fire on the altar: the king bad him depart in peace: and Scævola, as from that day forth he was called, because he now had only his left hand, warned him as a token of gratitude, if he prized his life, to make peace; for three hundred¹²⁰⁷ young patricians had conspired to rid their country of him; and he himself had only been chosen by lot to be the first.

¹²⁰⁷ Here again we have this number, which is for ever recurring as far as the old poems extend.

He was rewarded by the senate no less splendidly than Cocles¹²⁰⁸: but another tradition modestly named the Prata Mucia in the Trastevere, a field, it would seem, of a few jugers, as the grant bestowed upon him. Now in reply to the question how he came not to be remunerated by consulships, I will myself suggest the solution, that at Rome as elsewhere the ceremonial law required a priest to be without blemish in any of his limbs; and, because the higher magistrates continued to exercise certain priestly functions, the same was exacted for them⁹. And if Scævola's name was C. Mucius, he must have been a plebeian; like the family of that name which appears in the Fasti, though not until three hundred years after, and whose plebeian character is most decided; like a P. Mucius without a surname, who was tribune as early as in the fourth century: so that the consulate would have lain out of his reach, even if Porsenna had fallen by his hand. But the claim to him set up by the Mucii is doubtless among the most glaring instances of the family vanity censured by Cicero and Livy. The peculiar Roman name for persons, or, as it was afterward termed, the *prænomen*, was of old no less predominant in general use than christian names are nowadays in Italy: even in Polybius we still find Publius and Titus usually put for Scipio and Flamininus¹⁰: and as the practice from that time forward decreases, it must have been the more prevalent the further

¹²⁰⁸ Dionysius v. 35.

⁹ M. Sergius, who was excluded from offering up sacrifices by his colleagues, on the ground of his being a cripple (Pliny H. N. vii. 29), had indeed been prætor: but the inflicting such a mortification on that hero infers that three centuries earlier he would not have been eligible. Dionysius too accounts for Cocles not being rewarded with the consulship by his being crippled: διὰ τὴν πῆρωσιν τῆς βάρους: v. 25.

¹⁰ Gaudent prænominē molles Auriculæ: simple times love to speak familiarly. Under the emperors this forename was supplanted by the surname, first neglected, then entirely forgotten.

we go back. Thus the hero of the old lays would probably be merely called Caius: that he was originally regarded as a patrician, as Dionysius terms him—which indeed, if he were a Mucius, could only be excusable from the ignorance of a foreigner,—is the more probable on account of the three hundred young men of whom he speaks as his associates in the enterprise, the flower of the Roman youth; that is to say, one from every house: he himself is called noble by Livy. The surname of the Mucii according to Varro had a totally different sense, and signified an amulet¹²¹¹: it was not peculiar to them: Scæva too was a surname in several families: but as *scævus* means *left*, the hero of the story might also be called Scævula, long before the Mucii were of any note.

As the price of peace the conqueror enjoined that the Veientes should have their seven *pagi* restored to them¹²: and the fort on the Janiculum was only evacuated on the delivery of hostages. Thus far did the feelings of a more sensitive age, wounded by the disgrace of their ancestors, soften down the cruel hardness of the truth. Tacitus alone pronounces the terrible word undisguisedly: the city was forced to surrender to the conqueror¹³: that is to say, submitted to him as her lord; in such a way that the republic made over the sovereignty to him, as did every individual a discretionary power over his property, freedom, and life, without any restriction. A vanquished state after this stood in a relation to a ruling one, like that of an individual who had forfeited his

¹²¹¹ De L. L. vi. 5. p. 99. Quod puerulis res turpicula in collo suspenditur,—scævola appellata: thus the Florentine MS.

¹² De agro Veientibus restituendo *impetratum*, says Livy: one cannot read such arrogant language without indignation.

¹³ Sedem Jovis Opt. Max. quam non Porsenna *dedita urbe*, neque Galli capta, temerare potuissent. Hist. iii. 72. Taken strictly, the meaning of Tacitus would be, that Porsenna had been unable to violate it, and consequently that he was not master of the Capitol: it is likely however that *potuissent* refers only to the Gauls.

independence by an adoption according to the process of arrogation, or by having pledged his person for debt¹²¹⁴. He who ceased to be his own master, only retained what he had hitherto possess as property, under the form of a *peculium*: the case was the same with the state that had given up its *res publica* to a lord, so that he might take every thing from it at will; and not only the public property, but that of every individual. This disability did not terminate until the capacity of personal rights had been reestablished by a process answering to that of emancipation. It was a partial exercise of this plenary power, when a town thus reduced to dependence was amerced of a certain portion of its territory; and this was very frequently a third: afterward, unless the remainder was expressly given back free, a tax on the produce of all the cultivated land was to be paid; which the Romans usually assessed at a tenth. I have before called the reader's attention to the fact that a third of the plebeian districts which Rome possessed under Servius Tullius, was lost; and I observed that this loss must have been incurred in the war which we call the war of Porsenna*: the mention of the seven *pagi* in the Annals does not prove that nothing more was taken away. But a tradition had also been preserved that the Romans at one time paid a tenth to the Etruscans¹⁵: and this too can only be referred to the present period: it was raised on the districts left to them, and on the public domain.

Until the town which had surrendered its independence to another, recovered it, no treaty with it could have

¹²¹⁴ In the formulary for surrendering a city in Livy l. 38, the king asks the envoys: *Estne populus Collatinus in sua potestate?—Est.—Deditisne vos, populumque Collatinum, urbem, agros, aquam, terminos, delubra, utensilia, divina humanaque omnia, in meam populiue Romani ditionem?—Dedimus.—At ego recipio.*

* Above p. 412, n. 976.

¹⁵ From which Hercules delivered them; that is to say, their own prowess. Plutarch *Quæst. Rom.* xviii. p. 267. e.

place; just as an individual could not enter into any contract with those who were subject to his paternal authority, or with his slaves and bondmen. Pliny therefore either uses a very inappropriate expression; or the laws imposed by Porsenna on the Romans belong to the time when at least the form of independence, though defenseless indeed and null, was given back to them. This document, which from his manner of citing it would seem to have been still in existence, shews how low they had fallen. They were expressly prohibited from employing iron for any other purpose than agriculture¹²¹⁶: a people on whom a command of this kind was laid, must have been compelled beforehand to deliver up all their arms¹⁷.

A confession that Rome did homage to Porsenna as its sovereign lord, is involved in the story that the senate sent him an ivory throne and the other badges of royalty¹⁸: for in this very manner are the Etruscan cities represented to have acknowledged L. Tarquinius Priscus as their prince.

What Livy says concerning the evacuating the citadel on the Janiculum, seems connected with the restoration

¹²¹⁶ Pliny H. N. xxxiv. 39. In *foedere* quod expulsis regibus populo Romano dedit Porsenna, *nominatim comprehensum invenimus*, ne ferro nisi in agri culturam uterentur. This and the equally important passage of Tacitus (note 1213) were first noticed by Beaufort: and they are perfectly sufficient for his purpose, which was merely negative. The critical examination of this war is the most successful part of that remarkable little work.

¹⁷ *Arma adempta, obsidesque imperati*, would be the way of telling the story, if the historian were speaking of a town which had submitted in the same manner to the Romans. Dionysius does not fall far short of this confession in a harangue put into the mouth of M. Valerius: *διδόντες καὶ ἀγορὰν, καὶ ὄπλα, καὶ τὰλλα ὅσων ἐδέοντο Τυρρῆνοὶ παρασχεῖν ἐπὶ τῇ καταλύσει τοῦ πολέμου*. v. 65. This is not indeed *παραδιδόντες τὰ ὄπλα*, and sounds rather as if all was done in compliance with a military requisition: but that is the very point where the disguise lies.

¹⁸ Dionysius v. 35. See above p. 353.

of independence to the city after it had been disarmed. The twenty patrician hostages, boys and damsels, refer, as is clear from their number, to the curies of the first two tribes; whose precedence extended, as was reasonable, to whatever sacrifices were to be made. With regard to these hostages there is again a twofold story: the more celebrated one, that Clœlia effected her escape out of Etruria at the head of the maidens, and swam across the Tiber; that she was sent back, was restored to liberty by Porsenna, and allowed to deliver the boys out of their captivity; and that she was rewarded by him with a horse, trappings, and arms¹²¹⁹, and by the republic with a statue in the Via Sacra of a damsel on horseback:—the more obscure one, that Tarquinius fell upon the hostages as they were conducted into the Etruscan camp; and, with the exception of Valeria who fled back to the city, massacred them all²⁰.

Porsenna meanwhile had returned to Clusium: he had sent his son Aruns with a part of his army against Aricia, in those days the principal city of Latium²¹. The Aricines received succour both from other cities and from Cuma: and the Cumans, led by the insulted hero of the Tyrrhenian war, decided the defeat of the Etruscans, whose general fell. The fugitives met with hospitable entertainment at Rome, and their wounds were taken care of: many of them were loth to leave the city again, and built the

¹²¹⁹ Dionysius v. 34. and the fragment from the fourth book of Dion Cassius in Bekker's Anecd. i. p. 133. 8. Καὶ τῇ γε κόρῃ καὶ ὄπλα—καὶ ἵππον ἐδωρήσατο. These words evidently refer to the king: in Livy these presents also are bestowed on Clœlia by the Romans.

²⁰ Pliny xxxiv. 13. The two stories are clumsily mixt up together by Dionysius v. 33, and by Plutarch Publicol. c. 19.

²¹ For this reason it had the temple of Diana: the opposition to Tarquinius made by Turnus Herdonius contains a reference to the pretensions and the circumstances of this city: so does the account in Dionysius (v. 61) of the Aricines exciting Latium to war against Rome.

Vicus Tuscus: Porsenna, not to be outdone in magnanimity, gave back the hostages and the seven *pagi*¹²²².

The Roman annalists make the Etruscan hero display his liberality at the expense of his dependents or allies; for these *pagi* had been restored to Veii: nor, if this had occurred to them, would they have been slow in devising some act of perfidy or other, by which the Veientes should have exasperated the noble spirit of their protector to punish them; just as a like inducement was contrived, to make him abandon the Tarquins. But even in the time of the decemvirs so far were the Romans from having regained their Etruscan territory, that the Tiber then formed their boundary; with the insignificant exception of the Janiculum and the Ager Vaticanus.

Were the Romans incapable of feeling that chains which we burst by our own might are an ornament? The defeat of the Etruscans before Aricia is unquestionably historical: the victory of the Cumans, which led Aristodemus to the sovereignty, was related in Grecian annals: had not those of the Romans through false shame concealed their previous humiliation, they might have told with triumph how their ancestors had courageously seized that moment, although deprived of arms and perilling the objects of their dearest affections, to break the yoke of the tyrant. At such a time the flight of the hostages might do some good, and the heroine who led them might deserve to be rewarded.

This insurrection must have placed sundry things that belonged to the foreign ruler within the city, at the disposal of the emancipated Romans; and thus no doubt gave rise to the symbolical custom at auctions of selling

¹²²² No doubt the traditions were still richer in individual instances of a chivalrous intercourse during the war with Porsenna. The following is assuredly an ancient one: a truce had been concluded, and it happened that some games were celebrated just at the same time: hereupon the Tuscan generals came into the city, won the crown, and received it. Servius on *Æn.* xi. 134.

the goods of king Porsenna. Livy, who found it still in existence, felt that it did not sort well with the story about the friendship that followed the war: only he ought likewise to have rejected the shallow explanation of it.

That Porsenna was a hero in the Etruscan legends, and that they must have placed him in very remote ages beyond the reach of history, seems implied in the fabulous account of his monument: a building totally inconceivable, except as the work of magic, and which must have vanished like Aladdin's palace*. Possibly the Roman tradition may without any ground have connected him with that Etruscan war which cast Rome down from her highth: thus much we may assert, that of this war down to its end not a single incident can pass for historical.

It is a peculiarity of the Roman annals, owing to the barren invention of their authors, to repeat the same incidents on different occasions, and that too more than once. Thus the story of Porsenna's war reflects the image of that with Veii in the year 277, which after the disaster on the Cremera brought Rome to the brink of destruction. In this again the Veientines made themselves masters of the Janiculum; and in a more intelligible manner, after a victory in the field: here again the city was saved by a Horatius; the consul who arrived with his army at the critical moment by forced marches from the land of the Volscians: the victors, encamping on the Janiculum, sent out foraging parties across the river and wasted the country; until their depredations were checked by some skirmishes, which again took place by the temple of Hope and at the Colline gate: yet a severe famine arose within the city. At the same time, though all this has only been transplanted into the war of Porsenna to fill up the vacant space, the latter is not therefore to be regarded as a mere shadow and echo of the other, as is the case with one of the Auruncian wars.

* See note 405.

It was that Etruscan war by which Rome, though it lifted itself up again and regained its independence, lost ten regions; and it must be placed before the year 259, when the tribes were raised to the number of one and twenty. I think however it was at no great distance from that period.

I hold the returns of the census, incredible as they sound in the times anterior to the conquest by the Gauls, to be as genuine as the Romans considered them: and till I have justified this confidence in the proper place*, they will at all events be admitted to represent a view that was taken of the growth or decline of the Roman state. Had an annalist invented them, he would have framed them to fit his stories: if then they are utterly irreconcilable with the Annals, they must have been handed down from a time considerably earlier, and so are important. Now Dionysius gives the returns of the years 246, 256, and 261, by the numbers 130000, 150700, and 110000: in our annals the war with Porsenna falls between the first and second date: between 256 and 261 there is neither a pestilence nor a loss of territory; but on the contrary the victory over the Latins. Nothing can be more incongruous: if however we do not let ourselves be dazzled by the Annals holding up dates to our view, we may still make an attempt to explain this. I will suggest it at least as a hypothesis, that the former increase was owing to the extension of the isopolite franchise: the decrease of 40700 on the other hand may have arisen mainly from the separation of tribes enjoying isopolity, but also no doubt from the loss of the regions wrested from Rome. It is true, all the landholders in those regions assuredly did not cleave to the soil; and even if they had, their number would have been far from amounting to so many thousands. Still that of the Romans was very much diminisht by the loss; and our finding in those years only names without any events in Livy warrants

* See Vol. II, note 141, and the following pages.

the conjecture that there were great misfortunes to be concealed. The servitude of Latium under Mezentius is nothing but the recollection of this age thrown back into an earlier one: and perhaps Virgil's antiquarian learning may have actually discovered traditions representing the same Etruscan, whose yoke Latium afterward cast off again, as the taker of Agylla*: which in the time of Cyrus, when it sent to consult the oracle of Delphi, was still perhaps a purely Tyrrhenian city.

It is true, if the date of the Etruscan war against Cuma were historically certain, internal reasons would forbid our placing the expedition of Aristodemus to Aricia so late as the end of the 70th Olympiad: for it is incredible that the oligarchs, whose motive for seeking his destruction was their animosity conceived during that war, should have delayed doing so until twenty years after it¹²²³. The feuds in the states of antiquity did not creep on thus smoulderingly. But it was solely from his own calculations that Dionysius determined this period: for the date of the Cuman war he derived from Greek writers²⁴, that of the Aricine from Romans. To my mind chronological statements concerning a war in which rivers run backward, are of just as much value as those in the fable of the Pelopids where the sun does the same: and if any one believes that the Cuman history of this period rests on surer foundations than the Roman, let him compare the story of Aristodemus in Dionysius with that in Plutarch²⁵.

* *Æn.* viii. 479. ff. See above p. 35. 1223 *Dionysius* vii. 5.

²⁴ Perhaps by Timæus: but more probably by the chronicles of Naples, where the fugitives from Cuma were taken in: and that they brought legendary tales along with them is no less certain than it is unlikely that they preserved any authentic documents. When Herodotus (i. 29) makes a mistake of ten Olympiads with regard to the legislation of Solon, what credit is due to a date of this kind? The mention of the Campanians is a sign that the source was recent.

²⁵ *Mulier. Virtut.* xxvi. p. 261. According to this version Aristodemus brings aid to the Romans.

THE PERIOD DOWN TO THE DEATH OF TARQUINIUS.

WHEN we reach the borders of mythical story, which without a miracle could not be immediately followed by regular annals, a division of time by epochs is a necessary shift, which ought not therefore to subject me to the charge of inconsistency. The opinion we are to form on the pretended histories of the period just marked out, is evident from comparing the two historians. Livy under 251 and 252 narrates a war against Pometia and the Auruncians, and repeats the same afterward, under the year 259, as a war against the Volscians¹²²⁶: Dionysius was too careful to commit an oversight like this, and relates it only in the latter year. On the other hand Livy, who on this point is the more inconsiderate of the two, displays much greater judgement with regard to the Sabine wars; mentioning nothing about them except two triumphs out of the Fasti; without a syllable on the military occurrences of the five campaigns circumstantially recounted by Dionysius.

Nor does the latter go less into detail in describing the events of the Latin war; of which nothing but the battle of Regillus is narrated by Livy; except under 255, where he says, as briefly as possible, that Fidenæ was besieged, Crustumeria taken, Præneste came over to the Romans. As to the celebrated battle itself he tells us candidly, that while some, whom he followed, placed it in the year 255, others put it off till 258 under the consulship of Postumius—the date given by Dionysius: from which

¹²²⁶ The three hundred hostages who are put to death in II. 16, are the same who in II. 22 are given up in 259.

variation it is clear that the oldest triumphal Fasti did not mention it. Without doubt too it was only the later annalists who spoke of Postumius as the commander; having already forgotten that the Africanus whose renown was sung by the Calabrian bard, was the first Roman who gained a surname from his conquests¹²²⁷; while they did not observe how frequently surnames from a place of residence occur in the Fasti of the earliest times. As the Claudii took that of Regillensis, so did the Postumii. This battle as thrust into history stands without the slightest result or connexion: the victory is complete; and, after several years of inaction, a federal treaty sets its seal to the perfect independence and equality of the Latins, the very point which the battle was fought to decide.

So that here again we have merely a heroic lay; another fragment of which has been preserved by Dionysius. Before the melancholy contest between the two kindred nations broke out, they engaged to keep peace for a year, that the numberless ties amongst their citizens might be amicably dissolved. Leave was also granted to such women of each nation as had married in the other, to return to their friends, taking their daughters along with them. All the Roman women²⁸ left their Latin husbands: all the Latin women, except two, staid at Rome. The proud virtue of the matrons was still blooming in full purity when these lays were composed.

The battle of the lake Regillus, as described by Livy, is not an engagement between two armies; it is a conflict of heroes like those in the Iliad. All the leaders encounter hand to hand, and by them the victory is thrown now into one scale, now into the other; while the troops fight

¹²²⁷ Primus certe hic imperator nomine victæ ab se gentis est nobilitatus: exemplo deinde hujus, etc. Livy xxx. 45.

²⁸ Away with the insipid refinement μικροῦ δεῖν πᾶσαι, in Dionysius vi. 1.

without any effect. The dictator Postumius wounds king Tarquinius, who at the first onset advances to meet him¹²²⁹: T. Æbutius, the master of the horse, wounds the Latin dictator: but he himself too is disabled, and forced to quit the field. Mamilius, only aroused by his hurt, leads the cohort of the Roman emigrants to the charge, and breaks the front lines of the enemy: this glory the Roman lays could not allow to any but fellow-citizens, under whatever banner they might be fighting. M. Valerius, surnamed Maximus, falls as he is checking their progress: Publius and Marcus, the sons of Publicola, meet their death, in rescuing the body of their uncle³⁰: but the dictator with his cohort avenges them all, repulses the emigrants and puts them to flight. In vain does Mamilius strive to restore the day; he is slain by T. Herminius, the comrade of Cocles: Herminius again is pierced through with a javelin, while stripping the Latin general of his arms. At length the Roman knights, fighting on foot before the standards, decided the victory: then they mounted their horses, and routed the yielding foe. During the battle the dictator had vowed a temple to the Dioscuri: two gigantic youths on white horses were seen fighting in the van; and from its being said, immediately after the mention of the vow, that the dictator promised rewards to the first two who should scale the wall of the enemy's camp, I surmise that the poem related, nobody challenged these prizes, because the way for the legions

¹²²⁹ Dionysius is angry with Macer and Gellius, for not calculating that Tarquinius, even supposing him the grandson of Priscus, must have been ninety years old. Is it purposely that he suppresses their both calling him the son of Priscus? so that according to the tables his age must have been 120. He himself substitutes Titus Tarquinius for his father, to save the battle for history.

³⁰ This is mentioned by Dionysius alone: that it is drawn from an ancient source is the more certain, since they come forward as actors in a later part of his history. See Glareanus and Sylburg on Dionysius vi. 12.

had been opened by the Tyndarids¹²³¹. The pursuit was not yet over, when the two deities appeared at Rome, covered with dust and blood: they washed themselves and their arms in the fountain of Juturna beside the temple of Vesta, and announced the events of the day to the people assembled in the Comitium: on the other side of the fountain the promised temple was built. The print of a horse's hoof in the basalt on the field of battle remained to attest the presence of the heavenly combatants³².

This, it must be owned, is a rich and beautiful epical story; and yet assuredly our historians were not acquainted with its genuine old form. This battle of giants, in which the gods openly take part and determine the result, closes the *Lay of the Tarquins*; and I am convinced I am not mistaken in conjecturing that in the old poem the whole generation who had been warring with one another ever since the crime of Sextus, were swept away in this *Mort of Heroes*: he himself according to Dionysius fell here. In our accounts indeed king Tarquinius is only wounded and escapes; but this is to make the story tally with the historical record of his dying at Cuma. Mamilius is slain: Marcus Valerius Maximus is slain, in spite of the historical traditions that he was dictator some years after: and Publius Valerius, who also finds his death, is assuredly not Publicola's son, but Publicola himself. Herminius too falls: so most unquestionably does Larcius, the second companion of Cocles, and doubtless no other than the first dictator: only he is kept in the background, because a different one is put at the head of the army. Thus the manes of Lucretia are appeased: and the men of the heroic age depart out of the world before injustice begins to domineer, and gives birth to insurrection, in the state which they had delivered.

The account in the annals, which places the death

¹²³¹ As was the case in the battle of Fabricius against the Lucanians. Valerius Max. i. 8. 6.

³² Cicero de Nat. Deor. iii. 5(11).

of Publicola in the year 251, is not more authentic than the poetical story: assuredly it had no other foundation than that his name is not met with further on in the Fasti. The funeral orations of his family have supplied us with the information that the matrons mourned for him ten months, as they did for Brutus; and that he was buried at the public expense. According to one story the cost was defrayed from the common chest of the burghers¹²³³; which agrees with his name Poplicola: according to the other a quadrant a head³⁴ was contributed by the people, that is, by the commonalty: for this was a plebeian mark of respect. Probably in conformity with the ancient practice neither of the two estates was behindhand with the other, as the fact is represented on the decease of Menenius Agrippa³⁵. The paying them such a last honour is no ground for supposing that either of the two died in want.

The death of Tarquinius at Cuma is certainly historical: but the only reason for placing it in the year 259 was no doubt because the ferment among the commonalty broke out in that year; and the tradition ran, that, so long as he lived, the patricians kept within bounds. Aristodemus, whose name is infamous among those of the earlier Greek tyrants for his atrocities, became the heir of his illustrious client; and some years after detained the property of the republic, in lieu of his claims to that of the Tarquins. Of the sons and grandsons of the Roman exiles, some may perhaps have been among the followers of Appius Herdonius when he seized the

¹²³³ De publico est elatus. Livy II. 16.

³⁴ Plutarch Publicol. c. 23. The Greek language, less rich in political terms than the Latin, has only the single word *δημος* to express the whole people and the commonalty: this has given rise to a number of misapprehensions.

³⁵ The passage on this subject in Dionysius (vi. 96) deserves attention, from the manner in which the estates are distinguished; but it is of too great length to be inserted here.

Capitol, and may thus have breathed their last in the home of their fathers.

Among the events placed in the last portion of the mythical age is the reception of the Claudian gens: in the year 250 Attus Clausus, a powerful Sabine, migrated to Rome with the members and clients of his house. Clausus is in Virgil the eponym of the house and of the tribe, belonging to an age anterior to the Romans*: which indisputably agrees with the spirit of the early ages: Claudius is derived from Clausus, as Julius is from Iulus, and is not a dialectic variety of the name. I here repeat my conjecture that the Claudii replaced the Tarquinian house and tribe. So that the statement that two jugers of public land were assigned to every client may perhaps be utterly groundless; and the plebeians in this tribe may have been as independent as in every other: else this would look like an attempt to intermix tribes of clients with those composed of the free proprietors¹²³⁶. The one and twentieth tribe of the year 259 must be the Crustumine³⁷: this was the first that was substituted for one of the lost ten; as also the first that was named after a place, instead of an *Indiges* or *Semo*.

* Above note 980.

¹²³⁶ Above p. 414. Livy II. 16. His civitas data, agerque trans Anienem. *Vetus Claudia* tribus—appellata. This epithet occurs nowhere else, any more than a *Claudia nova* does; and it is so singular, that I should be disposed to read: trans Anienem *veterem*. Claudia tribus etc. For some of my readers it may not be superfluous to remark that the *Anio vetus* was the aqueduct from the Teverone to Rome, begun by Curius. Frontinus de Aquæd. I. Now if the region of the Claudian tribe lay between Fidenæ and Ficulea, according to the reading of Lapis and Gelenius in Dionysius (v. 40), half of it would be on the Roman side of the river Anio; but the whole was beyond that aqueduct. Suetonius indeed (Tiber. c. 1) says merely *trans Anienem*; but this does not refute my conjecture.

³⁷ This has already been conjectured by Panvinus: who however had no other notion on the subject, than that there had been only twenty plebeian tribes ever since the time of Servius.

Crustumeria is said to have been taken in the Latin wars: but the receiving its citizens into the Roman plebs was probably the consequence of a treaty with the Latins. In explaining the league with them I shall shew that on that occasion their thirty towns were newly arranged, and their number completed: for which purpose Rome gave up at least one place, and the Latins in return seem to have resigned their claim to Crustumeria. In like manner at the end of the fourth century, when Latium after a thirty-years quarrel again entered into alliance with the Romans, and enlarged its territories, the Roman commonalty was increased by the cession of some places, the citizens of which formed two new tribes.

This leads me to suspect that those Sabines, who with the remnant of the dissolved Tarquinian tribe made up the Claudian, came to Rome in like manner on the conclusion of peace with their nation, and that the Claudii then for the first time became Romans and patricians. The author of this peace was Sp. Cassius¹²³⁸, whose two subsequent consulships are memorable for the leagues establishing a community of franchise with the Latins and Hernicans. This accordingly was that great man's plan to support the tottering dominion of Rome, and to pave the way for her recovering what she had lost; and the beforementioned increase in the numbers of the census after 246 is accounted for, if a similar relation was entered into with the Sabines in 252; not indeed with the whole nation, but with the nearest cantons: that such a compact however cannot have been durable, is clear from the subsequent diminution³⁹.

¹²³⁸ Dionysius v. 49. In proportion as the terms of the peace here stated, the giving up for instance 10000 jugers of olive plantations, have an apocryphal look, does his silence lose its weight as an objection to my hypothesis, the terms were invented just like the battles, because nothing was preserved except the bare record that a treaty was concluded.

³⁹ See above p. 543. Regillum lay to the south of the Anio, in the midst of Roman towns, and so did the Claudian region.

THE DICTATORSHIP.

THE appointment of the first dictator is placed in the tenth year after the first consuls; and the oldest annalists say it was T. Larcius. But there were divers contradictory statements, and the vanity of the Valerian house assigned this honour to a nephew of Publicola. According to the date just mentioned, Larcius was consul at the time, and so only received an enlargement of his power: another account related as the occasion of the appointment, what sounds probable enough, that by an unfortunate choice the republic had been placed in the hands of two consuls of the Tarquinian faction, whose names were subsequently rendered dubious by indulgence or by calumny.

That the name of dictator was of Latin origin, is acknowledged; and assuredly the character of his office, invested with regal power for a limited period, was no less so. The existence of a dictator at Tusculum in early, at Lanuvium in very late times*, is matter of history; and Latin ritual books, which referred to Alban traditions¹²⁴⁰, enabled Macer to assert that this magistracy had subsisted at Alba⁴¹; though it is true that the preservation of any historical record concerning Alba is still more out of the question than concerning Rome before Tullus Hostilius.

* Cicero pro Milone 10(27).

¹²⁴⁰ The Julii had their altar in the theatre at Bovillæ consecrated *lege Albana*; which would infer that there was something more than oral tradition.

⁴¹ Dionysius v. 74.

The Latins however did not merely elect dictators in their several cities, but also over the whole nation: from a fragment of Cato we learn that the Tusculan Egerius was dictator over the collective body of the Latins¹²⁴². Here we catch a glimmering of light; but we must follow it with caution. If Rome and Latium were confederate states on a footing of equality, in the room of that supremacy which lasted but for a short time after the revolution, they must have possessed the chief command alternately: and this would explain why the Roman dictators were appointed for only six months; and how they came to have twenty-four lictors: namely, as a symbol that the governments of the two states were united under the same head: the consuls had only twelve between them, which went by turns from one to the other. And so the dictatorship at the beginning would be directed solely toward foreign affairs; and the continuance of the consuls along with the dictator would be accounted for: nay, the dictatorship, being distinct from the office of the *magister populi*, might sometimes be conferred on him, sometimes on one of the consuls.

The object aimed at in instituting the dictatorship,—as I will call it from the first, by the name which in course of time supplanted the earlier one,—was incontestably, to evade the Valerian laws, and to reestablish an unlimited authority over the plebeians even within the barriers and the mile of their liberties⁴³: for the legal appeal to the commonalty was from the sentence of the consuls, not from that of this new magistrate. Nor does such an appeal seem ever to have been introduced, not even after the power of the tribunes had grown to an inordinate excess: the Romans rather chose to let the dictatorship drop. The

¹²⁴² Origin. II. in Priscian IV. 4.

⁴³ Δικάζειν καὶ ἀποκτείνειν καὶ οἴκοι καὶ ἐν στρατείαις ἡδύνατο, καὶ οὐ τοὺς τοῦ δήμου μόνον, ἀλλὰ καὶ τῶν ἱππέων, καὶ ἐξ αὐτῆς τῆς βουλῆς. Zonaras VII. 13.

tradition accordingly is perfectly correct in recording how the appointment of a dictator alarmed the commonalty¹²⁴⁴.

That even the members of the houses at the first had no right of appealing against the dictator to their comitia, though they had possessed such a right even under the kings, is expressly asserted by Festus⁴⁵: at the same time he adds that they obtained it. This is confirmed by the example of M. Fabius; who, when his son was persecuted by the ferocity of a dictator, appealed in his behalf to the populus⁴⁶; to his peers, the patricians in the curies.

The later Romans had only an indistinct knowledge of the dictatorship, drawn from their earlier history. Excepting Q. Fabius Maximus in the second campaign of the second Punic war, whose election and situation moreover were completely at variance with ancient custom, no dictator to command an army had been appointed since 503; and even the comitia for elections had never been held by one since the beginning of the Macedonian war. As applied to the tyranny of Sylla and the monarchy of Cæsar, the title was a mere name, without any ground for such a use in the ancient constitution. Hence we can account for the error of Dion Cassius, when, overlooking the privilege of the patricians, he expressly asserts that in no instance was there a right of appealing against the dictator, and that he might condemn knights and senators to death without a trial⁴⁷: as well as for that of Dionysius, who fancies

¹²⁴⁴ *Creto dictatore—magnus plebem metus incessit.*

⁴⁵ V. *Optima lex. Postquam provocatio ab eo magistratu ad populum data est, quæ antea non erat.*

⁴⁶ *Provoco ad populum*, according to the law under Tullus Hostilius, *provocatione, cui Tullus Hostilius cessit.* Livy viii. 33. The senators repaired from the *Curia* to the *concio*, that is, to the Comitium, hard by the *Curia*. Fabius was not displeased to be sent down from the *rostra* to the Comitium, where he might speak freely, as a member of the great council of the populus. The aid of the tribunes might be serviceable in case of extremity, because their persons were inviolable: but in no way could the affair be brought before the *concilium* of the plebs.

⁴⁷ Zonaras quoted above, note 1243.

he decided on every measure at will, even about peace and war¹²⁴⁸. Such notions, out of which the moderns have drawn their phrase *dictatorial power*, are suitable indeed to Sylla and Cæsar: with reference to the genuine dictatorship they are utterly mistaken⁴⁹.

Like ignorance as to the ancient state of things is involved in the notion of Dionysius, that, after the senate had merely resolved that a dictator was to be appointed, and which consul was to name him, the consul exercised an uncontrouled discretion in the choice⁵⁰: which opinion, being delivered with such positiveness, has become the prevalent one in treatises on Roman antiquities. Such might possibly be the case, if the dictator was restricted to the charge of presiding over the elections, for which purpose it mattered not who he was: in the second Punic war, in 542, the consul M. Valerius Lævinus asserted this as his right⁵¹; and in the first the practice must already have been the same; for else P. Claudius Pulcher could not have insulted the republic by nominating M. Glycia*. But never can the disposal of kingly power have been entrusted to the discretion of a single elector.

The pontifical lawbooks, clothing the principles of the constitution after their manner in a historical form,

1248 v. 70. 73. Πολέμου καὶ εἰρήνης καὶ παντὸς ἄλλου πράγματος κυρία (ἀρχή) αὐτοκράτωρ καὶ ἀνυπεύθυνος.

49 Of the latter on the contrary are we to understand the statement in the same passage of Zonaras, that the dictator (like the consuls) could not draw upon the treasury beyond the credit upon it granted to him by the senate.

50 v. 73. Οὐ παρὰ τοῦ δήμου τὴν ἀρχὴν εὐρόμενος—ἀλλ' ὑπ' ἀνδρὸς ἀποδεχθεὶς ἐνός. Compare the whole account just before this of the appointment of T. Larcus.

51 The senate decreed that the consul should inquire the will of the people as to the person to be appointed, and should proclaim him whom they chose: the consul *negabat se populum rogaturum quod suæ potestatis esset*. Livy xxvii. 5.

* Livy Epit. xix. Suetonius Tiber. c. 2.

preserved the true account. For what other source can have supplied Dionysius with the resolution of the senate, as it professes to be, that a citizen, whom the senate should nominate, and the people approve of, should govern for six months¹²⁵²? The people here is the *populus*: it was a revival of the ancient custom for the king to be elected by the patricians: and that such was the form is established by positive testimony⁵³.

Still oftener, indeed throughout the whole first decad of Livy, do we read of a decree of the senate whereby a dictator was appointed, without any notice of the great council of the patricians⁵⁴. The old mode of electing the

¹²⁵² "Οὐ ἂν ἡ τε βουλὴ προέλῃται, καὶ ὁ δῆμος ἐπιψηφίσῃται. Dionysius v. 70.

⁵³ M. Valerius—qui primus magister *a populo* creatus est. Festus v. Optima lex. Accepto senatus decreto ut comitiis curiatis revocatus de exilio *jussu populi* Camillus dictator extemplo crearetur: Livy v. 46. Ap. Claudium dictatorem *consensu patriciorum* Servilius consul dixit: vii. 6. Before the secession of the plebs Appius was on the point of being created dictator; but the consuls and the *seniores patrum* contrived to prevent it (ii. 30): so that the annalist had in his eye an election by the *juniores*, that is, in this place, the curies. The viator who carries the dictatorship to Cincinnatus says to him: *vela corpus ut proferam senatus populiue Romani mandata*. Pliny xviii. 4.

⁵⁴ iv. 17: Senatus dictatorem dici Mam. Æmiliū jussit.—23: Senatus Mam. Æmiliū dictatorem iterum dici jussit.—46: Dictator ex S. C. dictus Q. Servilius Priscus. viii. 17: Dictator ex auctoritate senatus dictus P. Cornelius Rufinus. ix. 29: Auctore senatu dictatorem C. Junium Bubulcū dixit. x. 11: M. Valerium consulem omnes centuriæ dixere, quem senatus dictatorem dici jussurus erat. The whole story of Q. Fabius constraining himself to declare his mortal enemy dictator (ix. 38) implies that L. Papirius was already nominated, but could not enter upon his office, unless the consul proclaimed him. Even Dionysius in one instance recognizes the nomination or proposal by the senate. vii. 56: Δικτάτωρ ὑφ' ὑμῶν αἰρεθείς. The following passages also apply to the election by the senate. ii. 30: Manium Valerium creant (consules *senioresque patrum*). iv. 21: Dictatorem dici A. Servilium placet. vi. 2: Placuit dictatorem dici M. Furium Camillum. vii. 12: Dictatorem dici C. Sulpicium placuit. The following have a wider sense. iii. 26: L. Quinctius Cincinnatus consensu omnium dicitur. vi. 28: Dictatorem T.

kings was restored in all its parts: the dictator after his appointment had to obtain the *imperium* from the curies¹²⁵⁵. And thus, from possessing this right of conferring the *imperium*, the patricians might dispense with voting on the preliminary nomination of the senate. Appointing a dictator was an affair of urgency: some augury or other might interrupt the curies: it was unfortunate enough that there were but too many chances of this at the time when he was to be proclaimed by the consul, and when the law on his *imperium* was to be past. And after the plebeians obtained a share in the consulate, as the senate was continually approximating to a fair mixture of the two estates, it was a gain for the freedom of the nation, provided the election could not be transferred to the centuries, to strengthen the senate's power of nominating. Under the old system a plebeian could not possibly be dictator. Now as C. Marcius in 398 opened this office to his own order, whereas in 393 it is expressly stated that the appointment was approved by the patricians, it is almost certain that the change took place within this interval. Even in 444 the bestowal of the *imperium* was assuredly more than an empty form: but it became such by the Mænian law: thenceforward it was only requisite that the consul should consent to proclaim the person named by the senate. Thus after that time, in the advanced state of popular freedom, the dictatorship could occur but seldom except for trivial purposes: and if on such occasions the appointment was left to the consuls, they would naturally lay claim to it likewise in those solitary instances where the office still had real importance⁵⁶.

Quinctium Cincinnatum creavere: *creavere* is used in reference to the comitia: see for instance iv. 11.

¹²⁵⁵ Livy ix. 38, under the year 444: (L. Papirio Cursori) legem curiatam de imperio ferenti triste omen diem diffidit.

⁵⁶ These transitions are exhibited in the account given by Dionysius, how at the very first establishment of the dictatorship the people

However, when P. Claudius insultingly misused his privilege, the remembrance of the ancient procedure was still fresh enough for the senate to have the power of annulling the scandalous appointment. To do so, they would not even need the legal limitation mentioned by Livy, that none but consulars were eligible. A law of those early times can only have spoken of prætors and prætorians: for which reason, the prætor continuing to be deemed a colleague of the consuls, it was not violated when L. Papirius Crassus was made dictator in 415: and the other cases which would be against the rule, if interpreted strictly of such men as had actually been consuls, might probably be explained in the same way, if we had prætorian Fasti¹²⁵⁷.

In a number of passages it is distinctly stated that the master of the knights was chosen by the dictator at pleasure. But this again must have been the more recent practice: at all events his appointment in one instance is attributed to the senate no less clearly than that of the dictator; as at the origin of the office it is at least in general terms to *electors*⁵⁸: and the decree of the plebs, which in 542 raised Q. Fulvius Flaccus to the dictatorship, enjoined him to appoint P. Licinius Crassus *magister equitum**.

committed the choice to the senate, the senate to the consuls: as to the *imperium* he knows nothing of it. All this, if he had invented it, would be absurd: but he met with it in his books; and we are already acquainted with many symbolical representations of the same kind.

¹²⁵⁷ Did Rome excite the attention of Aristotle? As he never in the *Politics* quotes its constitution, which in his days was just in its prime, he must in fact have been unacquainted with it. But the remark (*Polit.* iv. 10), ἐν βαρβάρων τισὶν αἰροῦνται αὐτοκράτορας μονάρχους, probably refers to the Romans, as well as the Samnites and Lucanians. He refers to the analogous example of the *æsymnetes*; and Dionysius does exactly the same when speaking of the dictatorship.

⁵⁸ Livy viii. 17: Dictator ab consulibus ex auctoritate senatus dictus P. Cornelius Rufinus, magister equitum M. Antonius. ii. 18: of Larcus and Sp. Cassius—creatos invenio. *Consulares legere*.

* Livy xxvii. 5.

The civil character of this officer is enveloped in total obscurity: but that he was not merely the master of the horse and the dictator's lieutenant in the field, is certain. I conjecture, that he was elected by the centuries of plebeian knights,—as the *magister populi* was by the *populus*, the six suffragia,—and that he was their protector¹²⁵⁹. The dictator may have presided at the election, letting the twelve centuries vote on the person whom he proposed: this might afterward fall into disuse, and he would then name his brother magistrate himself.

¹²⁵⁹ Hence a plebeian would be eligible to this office even before the Licinian law. See above, p. 512. There seems to be a reference to the plebeian knights, where C. Servilius Ahala is sent by the dictator to Sp. Mælius. Livy iv. 14.

THE COMMONALTY BEFORE THE SECESSION,
AND THE *NEXI*.

THE appointment of the dictator by the curies was a step backward from the constitution of Servius, evincing a settled plan to rob the plebeians of its advantages and honours, while its burthens were still to remain with them: and it was the prelude to a far worse usurpation, by which the plebs was deprived of its right of electing the consuls in the centuries, as it had already been deprived of its share in the consulship. Possessing the dictatorial power, which they might either exercise or hold out in terrour, the patricians were strong enough to engage in a plan for stripping their free countrymen of all their rights, and reducing them individually to slavery. Had it been executed with caution, the atrocious design might have succeeded: its failure, as is often the case, was owing to their mad impatience and precipitance, and to that cupidity which cannot wait until usurpation in its struggle against the feelings of freedom has cleared the course for it.

After the banishment of the Tarquins the government behaved kindly to the commonalty. It is related that all duties were then done away with; and that the city took the salt-trade into its own hands, to stop the extortion of the retail-dealers¹²⁶⁰. As to the statement that the plebs was exempted from tribute, it must either mean, that the whole charge of paying the troops was thrown

¹²⁶⁰ Livy II. 9.

upon the *ærarrians**, or that the arbitrary taxation introduced under the last Tarquinius was abolisht. The Valerian laws restored the good laws of king Servius with regard to life, personal security, and honour. In like manner the first consuls are said to have renewed the laws which prohibited pledging the person¹²⁶¹: that the guilds and their motives were reestablisht, follows of course.

But it was only while Tarquinius excited alarm, and till the hard war with Etruria was ended, that the government, as Sallust says, ruled with justice and moderation. When this was over, the patricians dealt with the plebeians as with slaves, tyrannically maltreated them and even sported with their lives, turned them out of the public domain, and wielded the government alone, to the exclusion of their fellowcitizens: by which outrages, and above all by the pressure of usury, the commonalty, being forced at once to pay tribute and to serve in neverceasing wars, was at last driven into insurrection. This representation has been adopted by the greatest father of the western church as evidently true⁶². To the same effect Livy relates that, so long as Tarquinius was living in exile, the favour of the plebs was courted: but that after his death the nobles began to maltreat it⁶³. I repeat, that chronological statements with regard to this period are totally idle; only it is too gross a violation of all probability in Livy, to place the king's death, the change in the conduct of the patricians, and the beginning of its fruits, the first disturbance, all within the same year. Some annalist must have mentioned the evil, which without doubt had been waxing worse and worse during several

* See above p. 465.

1261 Dionysius v. 2. Καὶ τοὺς νόμους τοὺς περὶ τῶν συμβολαίων τοὺς ὑπὸ Τυλλίου γραφέντας, φιλανθρώπους καὶ δημοτικούς εἶναι δοκοῦντας, οὓς ἅπαντας κατέλυσε Ταρκύνιος, ἀνενεώσαντο.

62 Augustin de Civitate Dei ii. 18.

63 ii. 21. Plebi, cui ad eam diem summa ope inservitum erat, injuriæ a primoribus fieri cœpere

years, for the first time retrospectively at the epoch when it reached its full growth.

That the oligarchy should have been strong enough, when aided by the terrors of the dictatorship, openly to revive the ancient laws of debt, is no way incredible: but when we find these laws not only remaining unaltered at the peace between the two estates, but for half a century after those of Licinius, great doubts are cast on the story that they had already been abolisht twice in the very early ages. Be this as it may, that difference between the rights of the two orders, which afterward caused the need for the legislation of the decemvirs, was here so deeply rooted, that it lasted for four generations after the laws of the twelve tables: and hence Livy, when he is about to relate the abolition of bondage for debt, says, this was the commencement of a new freedom for the plebs¹²⁶⁴. This remark clearly belongs to an old annalist, not to Livy: and it may therefore be regarded as a distinct assertion on what otherwise could only be inferred, though with perfect certainty; namely, that the pressure of this system fell on the plebeian debtor alone. As to the patrician, he can never have either pledged his person by covenant, or been sentenced to servitude by the law.

Now if the only difference had been, that the original citizens enjoyed a better state of law within their own body, this would have bred no feud between the two estates: the plebs might have passed a resolution to adopt the same system, and would have had no trouble in obtaining the sanction of the ruling class for it, if requisite. But unfortunately it was the interest of the patricians to stand up for the cruel practice of personal pledges, as much as for any privilege of their order. Livy himself in spite of his prejudices does not suppress what was to be

¹²⁶⁴ VIII. 28. *Eo anno plebi Romanæ velut aliud initium libertatis factum est, quod necti desierunt.* See above p. 423.

read in the Annals; that every patrician house was a gaol for debtors, and that in seasons of great distress, after every sitting of the courts, herds of sentenced slaves were led away in chains to the houses of the nobles¹²⁶⁵. Dionysius too represents king Servius as saying, that the cruel usury of the patricians, who by its means were reducing the free citizens to servitude, and their pretensions to the exclusive occupation of the public domain, were the motives which urged them to plot his death⁶⁶: and in the decisive case where the abominable consequences of this system led to its abolition, the usurer, L. Papirius, was a patrician; his victim a plebeian, C. Publilius*.

Nay they appear in these cases not like persons who from their superior power come forward in behalf of others as well as of themselves, but as if they alone were concerned; and this too so late as in the year 397, when a reasonable limitation to the rate of interest is eagerly determined upon by the plebs, but gives offense to the patricians⁶⁷. Not that we can suppose the plebeians to have been without the power of proceeding after the same system: only if they wished to abuse it by stretching it to the utmost, they might be restrained, as they were subsequently by the tribunes of the people, so even in those days

1265 VI. 36. *Gregatim quotidie de foro addictos duci, et repleti vinctis nobiles domos: et ubicunque patricius habitet, ibi carcerem privatum esse.*

66 IV. 11. *Μεμήνυνταί μοι τινές ἐκ τῶν πατρικίων ἀποκτεῖναί με συνομνύμενοι, — ὧν τὸν δῆμον εὖ πεποίηκα — ἀχθόμενοι — οἱ δανεισταὶ μὲν, ὅτι τοὺς πένητας ὑμᾶς οὐκ εἴασα τὴν ἐλευθερίαν ἀφαιρεθῆναι ὑπ' αὐτῶν πρὸς τὰ χρέα ἀχθέντας (read ἀπαχθέντας), οἱ δὲ κατανοσφίζόμενοι τὰ δημόσια κ. τ. λ.*

* Livy VIII. 28.

67 *Haud æque læta patribus—de unciario fœnore—rogatio est perlata: et plebs aliquanto eam cupidius scivit.* Livy VII. 16. Manlius too (VI. 14) *vociferatus de superbia patrum, ac crudelitate fœneratorum, et miseriis plebis.*

by the magistrates whose office gave rise to that of these tribunes: and the free possessor of hereditary property might screen himself against the persecution of a brother plebeian, by becoming the client of a patrician. Probably however the main part of the loans were merely negotiated in the name of patricians on account of their clients, who were forced to appear in the person of their patrons, and who also reaped the greatest advantage from doing so. If a foreiner practised such usury, he had without doubt, beside the ordinary burthens of clientship, to pay, like the freedmen, a particular sum to his lord.

Now that in these early times not the slightest trace should be found of usury carried on by the plebeians, is the more remarkable, because in the latter ages of the republic the plebeian knights were the very class among whom it struck root; although Cato had pronounced it to be no better than highway-robbery: while on the other hand among the members of the few remaining patrician houses hardly a single one has been charged with this disgraceful trade: a memorable instance, that virtues and vices are not heirlooms in particular families or classes of society; but that the power of doing what they list misleads such as are not restrained by respect for the opinion of the better disposed among their fellowcountrymen and equals, while on the other hand the necessity of keeping watch over our honour preserves us from depravity; that a dominant faction is ever sure to transgress, and thereby to set its adversaries in a favorable light.

In all countries men in need have had the wretched right of selling themselves and their families: it obtained among the northern nations as well as among the Greeks and in Asia. The right of the creditor to seize his insolvent debtor as a servant, and by his labour or by the sale of his person to repay himself so far as this went, was scarcely less widely spread. Akin in their origin and in their results, these rights are yet substantially different; and if we draw a proper distinction

between them, the ancient Roman law of debt becomes perfectly clear and simple.

Debts may be incurred either by a direct loan, or by breach of an obligation to some payment: besides, according to the Roman law, certain offenses created such an obligation, as larceny and the like. Now whether the debt arose from such offenses or otherwise, whoever, after the prætor had given sentence, failed to discharge it within the legal term, was consigned by the law to the creditor as his bondman: but he was *addictus*, and not *nexus*¹²⁶⁸. A person became *nexus*, when by a regular Quiritary bargain before witnesses, for money weighed out to him, he disposed of himself, and consequently of all that belonged to him; whereby under the form of a sale he in reality pledged himself: into this state none could come except by his own act and deed.

For, as we learn from the well-known testimony of Ælius Gallus⁶⁹, every transaction according to Quiritary law and with these forms was a *nexum*: and it is an utter mistake, which moreover occurs only among the moderns, to derive the name of the *nexi* from their fetters, and to suppose that they were slaves in fetters for debt. At the first

¹²⁶⁸ So was the person who had pledged himself and did not redeem himself within the term fixt: he then ceased to be *nexus*. Hence Dionysius, in the classical passage on the subject (vi. 83), only discriminates between the *addiction* incurred by debt and from offenses. Menenius offers to cancel all the *nexa* of the insolvent (τοὺς ὀφείλοντας χρέα καὶ μὴ δυναμένους διαλύσασθαι, ἀφείσθαι τῶν ὀφλημάτων); to set at liberty all such as were *addicti* from having failed in their payments (εἴ τινων τὰ σώματα ὑπερημέρων ὄντων ταῖς νομίμοις προθεσμίαις κατέχεται); and in like manner all those who were so on account of a *delictum privatum* punishable with a fine (δίκαις ἀλόντες ἰδίαις: not state-criminals).

⁶⁹ In Festus. Nexum est, ait Gallus Ælius, quodcumque per æs et libram geritur, idque necti dicitur, quo in genere sunt hæc: testamenti factio, nexi datio, nexi liberatio.

every such transaction, as is too plain to need proof, was an actual sale. But the ingenuity of the Roman jurists contrived by means of these forms to establish a system of pledging, whereby the seller was to keep possession of what he had sold, and to redeem his pledge on repaying the money he had received as an earnest: while on the other hand, if the money was not repaid, the creditor laid claim to his property before the prætor. The same form was given to a number of other transactions and proceedings, such as marriage by coemption, the fictitious sale of children for their emancipation, wills, and so on. All these, together with the actual transfer of property, are comprehended in the definition given by Varro from Manilius¹²⁷⁰: and in this wider sense Sylla allowed all the *nexa* of the new citizens, whom he deprived of their franchise, to stand, as well as their rights of inheritance⁷¹. But the fictitious sales were so frequent, the transactions carried on under the form of such sales were so important, that it became necessary to have a peculiar name for them. Hence usage restricted the general term to these, excluding the *mancipia*, the actual transfers of property: and so Varro after Scævola defined a *nexum* to be the form where a thing is pledged, but not alienated⁷².

As the meaning of this word changed in process of time, so Varro's definition of a *nexus* does not apply quite

¹²⁷⁰ De L. L. vi. 5. p. 100. Nexum Manilius scribit omne quod per libram et æs geritur, in quo sint Mancipia. So the Florentine MS.

⁷¹ Cicero pro Cæcina 35 (102). Ita tulit de civitate, ut non sustulerit horum nexa atque hæreditates.

⁷² In the same place. Mucius (Scævola is an interpolation) quæ per æs et libram fiant ut obligentur, præter quæ (*vulg.* præter quam quæ. *Flor.* præter quam) Mancipio dentur,—id est (*vulg.* idem) quod obligatur per libram, neque suum fit (*vulg.* sit). The person whose *nexum* was released by payment, was *ære et libra liberatus*: Livy vi. 14. Hence *nexa liberata*, Cicero de Re p. ii. 34.

correctly except to a single case. No doubt when a free-man had contracted by servile labour to work off the debt for which he had pledged his person in a Quiritary sale, he was a *nexus*¹²⁷³: only one must not restrict the meaning of the term to this. Whosoever had pledged his person in this way was *nexus* or *nexu vinctus*⁷⁴; even if he could not possibly become liable to discharge his debt by service.

Such as had no property must always have concluded their loans under this form: those who had would be able even in those days to give their land as security: in most cases however a person threatened with a sentence of addiction would probably enter into a *nexum*, that he might escape for the time from that misfortune. If any one whose creditor laid claim to him before the prætor⁷⁵, did not redeem himself, his lot was chains and corporal punishment, and all the hardships of slavery⁷⁶.

¹²⁷³ In the same place. Liber qui suas operas in servitute (so *Flor.*—*vulg.* servitute) pro pecunia quam debebat, dabat dum solveret (*Flor.* debebat dum s. *vulg.* debeat dum s.), nexus vocatur.

⁷⁴ The two terms are without doubt equivalent: the former is opposed to *solutus* in the Twelve Tables, the latter in Livy II. 23: *Nexu vincti solutique se undique in publicum proripiunt*: where Doujat's explanation, which has unaccountably been neglected, is no less certain than obvious. See Drakenborch's note. Sigonius had a glimmering of the truth: but his change—*nexi, vincti, solutique*—corrupts the text.

⁷⁵ This addiction is referred to in the passages of Livy quoted in note 1265, and in the words *ὑπερημέρων ἀπαγωγή* in Dionysius VI. 23.

⁷⁶ On servitude for debts not incurred by borrowing I shall speak in the second volume, after the laws of the Twelve Tables, in which it is so memorable a feature; although these laws must by no means be considered as its primary source. I shall also recur to it when I come to the Poetelian law. But as opinions delivered by word of mouth are apt to get abroad in a mistaken shape, I will here lay down the following propositions beforehand. The Poetelian law merely did away with the *nexum* of the person, in room of which the *fiducia* of property became universal: but it made no change in the addiction for debts or offenses;

So long as a *nexus* was not *addictus*, he enjoyed the same rights as every other full citizen: this was expressly secured to him by the laws¹²⁷⁷. But on the other hand he who was adjudged as a slave, lost his civic rights⁷⁸: thus he underwent that *deminutio capitis*⁷⁹, of which it is true that our civil lawbooks make no mention, because we have nothing of Manilius or Scævola, and those who wrote under the emperors lived long after it had been forgotten; of which however we have indisputable evidence in the circumstance that an action which endangered a person's civic character—a *judicium turpe*—was a *causa capitis*, though no way affecting his life. In the same manner a cause where the question was, whether the possession of a person's goods had been adjudged (*addicta*) by the sentence of the prætor, was a *causa capitis*⁸⁰: because this addiction had been substituted for that of the person.

and the latter certainly lasted even beyond the end of the second Punic war. This however was likewise abolished; and in its stead came the *possessio bonorum debitoris*: the very expression *sectio bonorum* reminds us of the *sectio corporis debitoris*.

1277 Nexo solutoque idem jus esto.

78 The consul Servilius promises the plebeians that during the campaign *πάσα μὲν οὐσία, πᾶν δὲ σῶμα, πάσα δ' ἐπιτιμία πολίτου Ῥωμαίου* shall continue *ἀρρήσιαστος ἀπό τε δανείου καὶ ἄλλου παντός συμβολαίου*. Dionysius vi. 41. And Appian says (vi. 59) that he had lost money by several of his debtors, but had never made any *πρόσθετον οὐδ' ἄτιμον*.

79 *Deminutus capite appellatur*—qui liber alteri mancipio datus est. Festus.

80 Hence the affair of P. Quinctius was so (Cicero pro Quinct. 9. (32)): and the question was, whether his *bona* in reality *possessa fuerint nec ne*. *Caput* was the title in the censorian register, comprising everything set down under it with regard to a person's condition: every change made therein on his becoming *deterioris juris* was a *deminutio capitis*. They who are familiar with the Roman notions will not need many words to understand, that, for instance, the degrading a plebeian to be an ærarian, or his removal into a *tribus minus honesta* on being found guilty of *ambitus* or the like, were each a *capitis deminutio*.

When a debtor was delivered up to his creditor, such of his children and grandchildren as were subject to his authority went into slavery with him: as was the case when state-criminals were sold along with their family¹²⁸¹. This state of the law was known to those annalists who made the old soldier tell the people, that the usurer had carried him and his two sons into slavery*; and who represented the edict of the consul Servilius as ordaining that, if a debtor-slave⁸² were willing to serve, his creditor should not keep his children or grandchildren in confinement⁸³. This circumstance was the main reason for the emancipation of children, a measure which according to the Roman law on domestic rights could otherwise scarcely have occurred.

If we once gain a clear insight into this law of debt, we have solved the perplexity which led Dionysius to take such strange views, and which thereby has introduced such momentous errors into Roman history.

The Annals related that the persons who seceded on account of their debts were in the legions: but how was it consistent with the Servian constitution, for men to serve therein, who had forfeited their freedom to their creditors, and so were poorer than a proletarian if he was clear from debts? Dionysius here again takes the perverse course of reconciling these contradictory statements by the groundless assertion that they served as slingers⁸⁴:

1281 Ipse familiaque ad ædem Cereris veneat.

* Dionysius vi. 26.

82 An *addictus*, not a *nexus*: the former class was again called out in the second Punic war.

83 Livy ii. 24. Ne quis militis—liberos nepotesve moraretur. Dionysius vi. 29. Μήτε γένος αὐτῶν ἀπάγειν. This foreiner misapprehended his authorities and the nature of the law in vi. 37. For there can never have been any need of releasing the relations of the *nexi* in an ascending line.

84 v. 67. Προσθήκης μοῖραν ἐπείχον τοῖς ἐν φάλαγγι τεταγμένοις—μηδὲν φέροντες ὄπλον, ὅτι μὴ σφενδόνας.

according to which men with less than nothing would have stood in the fifth class. And what would the Servian constitution have been worth, if the hoplites and knights had been unable to make head against the unarmed populace!

The plebeians however who left the camp, were *nexi*, whose freedom and property were merely pledged¹²⁸⁵: and many others, who were not suffering under the same pressure, may have joined them from sympathy, and with a view to avail themselves of circumstances for the furtherance of political freedom. The army might be levied according to the classes; and yet the majority of the hoplites might consist of persons who, when their debts became payable, would not even be secure of personal liberty. There are but too many countries where a like state of things is to be found; where most of the landholders, though ostensibly they continue to be so, were they to discharge their debts, would have nothing left; and till that time comes farm their estates for their creditors, as the Roman debtor farmed his for the usurer⁸⁶. Now if, where a nation is thus circumstanced, the distribution of political rights be proportioned to the landtax paid, it would be so far from agreeing with the relative state of property, that the main part of the citizens electing and eligible to offices might be in a destitute, or even desperate condition.

Here is the proof I promised above, that the tribute was not paid out of the net income: for it corresponded to the census; and if debts had been deducted in assessing this, the *nexi* could not have stood in the classes, or served in the legions. To have explained the

¹²⁸⁵ If there is any ground for the story of the calling out the *addicti*, they can only have entered into the irregular bodies, the civic legions. Probably however it is wholly apocryphal.

⁸⁶ Dionysius vi. 79. Τοῖς δανεισταῖς — ἡναγκαζόμεθα τοὺς ἑαυτῶν κλήρους γεωργεῖν.

nexum in the passage where this was before asserted¹²⁸⁷, would have grafted one episode upon another. As a further confirmation I will here add, that the liquidation of debts in the year 403 rendered a census necessary: because, in adjusting the state of property with the demands of creditors upon it, a number of things changed their owners⁸⁸. Under an income-tax the only difference would have been, that a person who till then had paid for ten thousand ases of outstanding money would now have paid for the same sum vested in land: while the previous possessor, even before he parted with his estate, would not have been taxed for it. Owing to this the patricians, though they appear as the capitalists, are no way affected by the tribute⁸⁹, which is represented as a tax peculiar to the plebs⁹⁰.

In the Roman contracts for the use of money the regular condition was that the sum should be repaid after a stated term: which in those times, as the arguments to be brought forward in another part of this history will prove, must certainly have been the year of ten months. The rate of interest was unrestricted, and therefore exorbitant: the first legal limitation of it to ten per cent was a great relief to the plebs: no wonder then that it is spoken of as having been an ordinary case, for the accumulated interest to raise

¹²⁸⁷ Above p. 459.

⁸⁸ Livy vii. 22. *Quia solutio æris alieni multarum rerum mutaverat dominos.*

⁸⁹ The patricians have been making a present out of their neighbours purses, say the tribunes, when it is determined to give the troops pay; inasmuch as it can only be raised *tributo indicto*. Livy iv. 60. Such touches come from the annalists.

⁹⁰ The tribunes deplore the fate of the plebs, *quæ nunc etiam vectigalis facta sit, ut, cum inculta omnia invenerint, tributum ex affecta re familiari pendant*. Livy v. 10. They bring forward the agrarian law and forbid the collecting the tribute. v. 12. On another occasion however *plebes coacta huic oneri succumbere*, because the government did not want any levies: *quem delectum impedirent, non habebant tribuni*. vi. 32.

the principal to many times its original amount¹²⁹¹. It was the custom to convert the principal when due, together with the interest, into a new debt (*versura*): the discharge of which must soon have become utterly impossible. To understand the condition of the plebeian debtors, let the reader, if he is a man of business, imagine that the whole of the private debts in a given country were turned into bills at a year, bearing interest at twenty per cent or more; and that the non-payment of them were followed on summary process by imprisonment, and by the transfer of the debtor's whole property to his creditor, even though it exceeded what he owed. We do not need those further circumstances which are incompatible with our manners, the personal slavery of the debtor and of his children, to form an estimate of the fearful condition of the unfortunate plebeians⁹².

Their wretchedness was consummated by a system of base injustice. The plebeians formed the whole infantry of the line: and yet not only was all share in the conquered lands refused to them; even the plunder, which a Roman soldier, unless it was given up to him, had to deliver in upon oath, was often kept back from them: not that it was employed for national purposes; it went into the common chest of the patricians⁹³.

This picture of distress—not unlike the one placed before our eyes by the misery of hundreds of thousands,

¹²⁹¹ Livy vi. 14. *Multiplici jam sorte exsoluta, mergentibus semper sortem usuris.*

⁹² The practice of mortgaging landed property prevailed at Athens even before the time of Solon, and subsisted along with that of pledging the person, which was afterward abolished. At Rome the state of things would not admit of it: for it was equally inconsistent with the nature of the plebeian property, and with the usufructuary possession of the patricians.

⁹³ For *publicum* is *poplicum*, what belongs to the *populus*. See above note 1106. Hence the commonalty is incensed *malignitate patrum qui militem præda fraudavere*.—*Quicquid captum est vendidit consul, ac redegit in publicum.* Livy ii. 42. There are many other like passages.

who are now going to wreck and ruin in seaport-towns where every fortune is broken and all commerce is lost, and in manufacturing districts where work is at a stand—deluded Dionysius; so that when the whole commonalty was driven into insurrection, he looked upon them as nothing else than a similar low starving multitude, to which idlers, libertines, vagabonds, such as harboured illwill against their neighbours, and such as were malecontents from temper or interest, attached themselves¹²⁹⁴. The positiveness of this statement has had an imposing effect; and it has been entirely overlooked that Livy, though no way partial to the plebs, and though he certainly had not a clear insight into the nature of the several orders in early times, still has not a word which, if rightly understood, can give even a shadow of support to such an opinion.

A Greek writer indeed could hardly escape being deceived: in the first place because his language, poorer and less exact in its political terms than the Roman, had only the one word *demus* to render both *populus* and *plebs*⁹⁵. Even in Aristotle's time this word had a variety of senses, and in democracies denoted the nation and assembly of the people as opposed to the magistrates, in oligarchies the commonalty; while popular usage employed it for the needy and common folk. In the days of Augustus, many as were the Greek cities and those that pretended to be so, there perhaps was not one in which an oligarchy had kept its ground; and democracies were rare: the Romans had everywhere introduced timocracies: and under these, though the general assembly of the citizens also bore the name of *demus*, yet at the same time it was applied, and that too in a stricter sense, to those inhabitants who, from not possessing the requisites for civic honours, were

¹²⁹⁴ Dionysius vi. 46.

⁹⁵ Πόλις and πολῖται may in earlier times have been equivalent to *populus*, nay the former may perhaps be the same word: this definite meaning however it did not retain.

expressly excluded by the law, or at all events in fact, from the senate and from offices as common people. The civic plebs too, which Dionysius found at Rome in the eighth century, was undeniably a demus of this sort; formed by the body of those who partook of the largesses destined for the capital ¹²⁹⁶; and consisting mainly of freedmen and semi-citizens. The respectable countrypeople and municipals ⁹⁷ were completely separate from it: still higher stood the knights, many thousands in number: at top of all the nobles which had coalesced with the remains of the patricians.

That all these nevertheless were plebeians in a constitutional point of view,—that the whole Roman nation was so, except the fifty patrician houses which were still preserved ⁹⁸, and the patrician families newly incorporated by Julius Cæsar and Augustus,—this was certainly known to Dionysius. In his later books too he cannot possibly have ranked the leading plebeians, after the consulate was placed within their reach, among the common people: how could he forget however his having related but a couple of pages before the description just referred to, that Valerius had enrolled four hundred plebeians among the knights on account of their wealth ⁹⁹? One might indeed imagine that the idea of that equestrian middle class, which occupied the interval between the senate and the people, was floating before his mind: but such an idea in this place must have vanished again the moment he tried to fix it.

If a foreiner, having heard of the misery of the Irish peasant, that he farms the land, which was the freehold of his ancestors, at a rack-rent, the unprotected and forsaken

¹²⁹⁶ As the *plebs urbana* is opposed to the thirtyfive tribes.

⁹⁷ The *Romani rustici*.

⁹⁸ See p. 323 note 833. I remind the reader of Capito's definition quoted above in note 821. Gaius I. 3. *Plebis appellatione sine patriciis ceteri cives significantur*.

⁹⁹ Dionysius vi. 44.

client of greedy or negligent patrons, should be led by this to look upon all the Irish Catholics as paupers and beggars, he could not but be exceedingly surprised if told, that they claim a share in the highest honours of the state, and to be eligible into the lower house, when such eligibility both legally and in fact implies the possession of considerable landed property. Unless he were informed that the wretched peasantry are but a part of the whole class, which also comprises members of the nobility and of the middle ranks, he would be just as little able, as Dionysius was, to extricate himself from similar confusion. But when we take a correct view of them, this very body of the Irish Catholics may furnish our age with a perfect parallel to the state of the plebs: they too, like the plebs, are a commonalty; the despair of the poor amongst them is the strongest weapon of the upper ranks; and the indignities these are exposed to would be matter of indifference to their inferiors, unless they were all forced into one body by the pressure of the laws. In one point however there is an enormous difference: the millions in Ireland who are ready to stake their lives for the pretensions of their superiors, would not, though the latter should gain their ends, see a single one among their vague hopes of better times accomplished; whereas the lower plebeians were seeking for determinate relief to their own actual wants. If England three generations ago had granted the full enjoyment of her civic rights in individual cases, this would have disarmed the Catholics, and separated the higher orders from the populace and the priests who agitate it: at Rome similar measures would not have been availing to hinder distress from breaking out in violence, which the poor man promised himself would release him from his debts and give him a field of his own.

When an error has been firmly rooted for centuries, it can hardly be superfluous to bring forward a variety of definite instances in illustration of the truth. The Roman plebs, formed as it was by the incorporating whole bodies

of citizens and countrypeople, might be compared to the Vaudese dependent on the city of Bern, among whom the old Burgundian nobless stood on the same footing with the townsmen and the peasantry, as contrasted with the sovereign canton. Or if the reader be familiar with the history of Florence, let him imagine that the republic had united the inhabitants of the whole *distretto* into a commonalty: in this the counts Guidi and the castellans¹³⁰⁰ of Mugello, as opposed to the ruling estate, would not by the principles of the law stand above the houses of Pistoja or Prato, nay, above the common citizen or yeoman from the Val d' Arno: at the same time the former might notwithstanding be equal, perhaps more than equal, to the Uberti and the other proudest houses in the ruling city, even according to their own notions of nobility. As in a later age the Mamilii, who traced their pedigree from Ulysses and Circe, were admitted among the plebeian citizens; so there can be no question that the families of plebeian knights in the earliest times were the nobility of the *distretto*; that the first leaders of the plebs, the Licinii and Icili, were no way inferior even in birth to the Quinctii and Postumii.

But it was not the splendour flowing from a few families of this sort, that gave such respectability to the Roman plebs: it was their essential character as a body of landholders, such as it is denoted by their Quiritary property. The ancients universally esteemed agriculture to be the proper business of the freeman, as well as the proper school of the soldier. The countryman, says Cato, has the fewest evil thoughts. In him the old stock of the nation is preserved: while it changes in cities, where forein merchants and tradesmen settle, and the natives remove whithersoever gain lures them. In every country where slavery prevails, freedmen seek their maintenance by occupations of this kind, in which they not unfrequently grow wealthy: thus among the ancients, as in aftertimes, such trades were mostly

¹³⁰⁰ Cattanei.

in the hands of this class, and were therefore thought disreputable to a citizen: hence the opinion that admitting the artisans to full civic rights was a hazardous measure¹³⁰¹, and would transform a nation's character. The ancients had no notion of a government carried on with dignity by guilds, such as we see it in the history of the towns during the middle ages: and yet even in them it is undeniable that the military spirit sank, as the guilds gained the upper hand of the houses, and that at last it became wholly extinct; and with it fell the character and the freedom of the towns. Even at this day the Italian peasants, if proprietors, are an extremely honest and worthy race, and infinitely preferable to the townspeople: agriculture is their nation's true calling, as a seafaring life is that of the Greeks, and even of the Neapolitans.

The Roman plebs in early ages consisted exclusively of landholders and field-labourers; and even if many of its members were reduced to poverty and thus stripped of their estates, at least it contained no one who earned his livelihood by any other employment; by commerce any more than by handicrafts². It was a duty of the censorian office, and that too we may be assured even before it was entrusted to a particular magistracy, to see that none but an industrious husbandman kept his place in the tribe of his fathers: a bad farmer was erased from it; much more so then was he who entirely deserted

¹³⁰¹ As a general principle they were excluded among the early Greeks. Corinth forms an exception, which we know of; there may have been others unknown to us; but at all events they were only exceptions.

² Οὐδενὶ ἐξῆν Ῥωμαίων οὔτε κάπηλον οὔτε χειροτέχνην βίον ἔχειν. Dionysius ix. 25. The punishment can have consisted only in the censorian brand, the striking out a person's name from his tribe, as was the case with those who practised stage-playing: not that any peculiar disgrace was attached to doing so, but because it was a civic trade.

his vocation¹³⁰³. Even the plebeians of the four civic tribes must be deemed to have been landholders at the first: on the one hand within the vast compass of the walls there was room left at least for gardens and vineyards; on the other hand the country-citizens had houses and barns in the city.

It is true, Dionysius, who thus distinctly asserts that the plebeians were prohibited from every employment unconnected with husbandry, says in another place that Romulus assigned agriculture, pasturage, and the various money-making trades to them as their calling⁴. This however occurs in his description of the manner in which the Roman people was pretended to have been originally arranged by Romulus as their founder; a description transferred from that of a Roman antiquarian who understood his subject and had represented the circumstances of those times when as yet the state consisted of none but patricians and clients: only the Greek writer was led astray by the delusion that the clients and the plebeians were the same body⁵.

The source of this error was evidently, that even in the eighth century a clientship was still subsisting, not only connecting the freedmen among the abovementioned city plebs with their patrons, but also many persons of good birth, who wanted wealth or favorable circumstances to aid them in their efforts to advance themselves, with a patron of their own choosing; and generally the citizens of the municipal towns with the house to the protection of which their native places had anciently entrusted

¹³⁰³ Gellius iv. 12. Si quis agrum suum—indiligenter curabat—censores ærarium faciebant.

⁴ Γεωργεῖν, καὶ κτηνοτροφεῖν, καὶ τὰς χρηματοποιουὺς ἐργάζεσθαι τέχνας. π. 9.

⁵ π. 8. Ἐκάλει τοὺς ἐν τῇ καταδεεστέρα τύχῃ Πληβείους, ὡς δ' αὖν Ἕλληνες εἵποιεν δημοτικούς. π. 9. Παρακαταθήκας ἔδωκε τοῖς πατρικίοις τοὺς δημοτικούς, ἐπιτρέψας ἐκάστω ὃν αὐτὸς ἐβούλετο νέμειν προστάτην.

themselves. Now this relation was no more like the ancient respectable clientship, than the city plebs of those times was like the ancient respectable commonalty: yet the same confusion, along with the subsequent reception of the clients into the tribes by the decemvirs*, has in one instance beguiled Livy into the notion that the individual plebeians were clients of the individual patricians¹³⁰⁶; although elsewhere he abounds in passages which place the difference of the two classes, nay their counterposition, in the clearest light. And Dionysius himself, deliberately as he entertained that fundamental error, constantly makes the same distinction between them in his running narrative, because the genuine expressions of the Annals were there lying before him.

Similar accounts are followed by Livy, when he relates that on occasion of a violent dispute between the two orders the commonalty withdrew entirely from the election of consuls, and that it was held by the patricians and their clients alone⁷. It is possible that this may be a misrepresentation of an election taken entirely away from the centuries: if so, it arose from a recollection how the affair was managed on a more recent occasion, when the plebs in despair retired from the comitia⁸. He further relates, that before the trial of Coriolanus the patricians, seeing that the whole plebs was infuriated, sent their clients round to dissuade the individual plebeians, or to intimidate them⁹: that after the banishment of Cæso Quinctius they appeared in the

* See the text to note 728, Vol. II.

1306 VI. 18. Quot clientes circa singulos fuistis patronos.

7 II. 64. Irata plebs interesse consularibus comitiis noluit. Per patres clientesque patrum consules creati: that is, by the curies, and by the centuries without the plebs.

8 Because the Licinian law was about to be violated—plebis eo dolor erupit ut tribunos—vociferantes relinquendum campum—moesta plebs sequeretur. Consules, relictī a parte populi, per infrequentiam comitia nihilo segnius perficiunt. Livy VII. 18.

9 II. 35. Infensa erat coorta plebs—Tentata res est, si, dispositis

forum with a great band of clients, at open war with the plebs¹³¹⁰: that, when Ap. Herdonius had seized the Capitol, the tribunes wanted to hold a council of the plebs, telling them that the occupiers of the citadel were not strangers, but allies and clients of the patricians, let in to terrify the commonalty into taking the oath of military allegiance¹¹: and he explains the purport of the Publilian law to have been, that, the tribunes being appointed by the tribes, the patricians should altogether lose the power of getting their partisans elected by the votes of the clients¹².

To the same effect Dionysius tells us that, when the plebs had deserted the city, the patricians and their clients took up arms¹³: he says it was proposed to the senate during the secession of the plebs, and again when the plebeians refused to serve, and again was decreed on a like occasion, that the patricians should march out along with their clients, and with such plebeians as would join them¹⁴: he extolls the plebeians, because during the

clientibus, absterrendo singulos—disjicere rem possent. Universi deinde processere—precibus plebem exposcentes.

1310 III. 14. *Instructi paratique (juniores patrum) cum ingenti clientium exercitu sic tribunos, ubi primum submoventes causam præbuere, adorti sunt etc.*

11 III. 16. *Tantus tribunos furor tenuit, ut—contenderent patriciorum hospites clientesque—(Capitolium insedissee):—concilium inde legi perferendæ habere.*

12 II. 56. *Rogationem tulit—ut plebei magistratus tributis comitiis fierent—res—quæ patriciis omnem potestatem per clientium suffragia creandi quos vellent tribunos auferret.*

13 VI. 47: *Ἀρπάσαντες τὰ ὄπλα, σὺν τοῖς οἰκείοις ἕκαστοι πελάταις—παρεβοήθουν.*

14 VI. 63: *Αὐτοὶ τε χωρῶμεν—καὶ τοὺς πελάτας ἅπαντας ἐπαγώμεθα, καὶ τοῦ δημοτικοῦ τὸ περιόν.* VII. 19: *Ἐκ τῶν πατρικίων ἐθελονταὶ τινες κατεγράφησαν ἅμα τοῖς πελάταις καὶ αὐτοῖς—ὀλίγον τι ἀπὸ τοῦ δήμου μέρος συνεστράτευεν.* X. 15: *Αὐτοὺς ἔφη τοὺς πατρικίους ἐαυτῶν σώμασι καὶ τῶν συνόντων αὐτοῖς πελατῶν ὀπλισαμένους, καὶ εἴτι ἄλλο πλῆθος ἐθελούσιον αὐτοῖς*

famine and the dissensions instead of plundering the granaries and the market they ate grass and roots; and the patricians, because they did not fall with their own forces and the great body of their clients on the strengthless starving multitude, and slay them or drive them out of the city¹³¹⁵: and he relates, just as Livy does in one of the passages quoted above, that the patricians appeared in the forum with their clients, in order to prevent the council of the plebs from assembling, or to disperse it by force¹⁶.

These express and numerous testimonies have been overlooked on account of a statement which is palpably erroneous. Yet surely many must have been struck by them as perplexing; and without doubt so were the historians themselves. But when they wrote the only real division of the citizens was into the rich and the poor: the needy, however noble their lineage might be, had to court a protector; and he that had his million, even

συνάρηται. x. 27: 'Εὰν μὴ πείθεται ὁ δῆμος τοὺς πατρικίους ἅμα τοῖς πελάταις καθοπλισμένους, τῶν τ' ἄλλων πολιτῶν παραλαμβάνοντας οἷς ἦν ἐκούσιον συνάρασθαι τοῦ—ἀγῶνος. x. 43. 'Ἡ βουλή γνώμην ἀπεδείξατο, τοὺς πατρικίους—ἐξιέναι σὺν τοῖς ἑαυτῶν πελάταις, τῶν δ' ἄλλων πολιτῶν τοῖς βουλομένοις μετέχειν τῆς στρατείας—ὅσια εἶναι τὰ πρὸς θεούς.

1315 vii. 18: Τῇ τ' οἰκείᾳ δυνάμει καὶ τῇ παρὰ τῶν πελατῶν πολλῇ οὔσῃ. In this story the estates appear mostly as the rich and poor, πλούσιοι and πένητες: owing to the historian's perverted notion of the demus: still he often expressly mentions the patricians and the δημοτικοί, with the tribunes at their head.

16 ix. 41: Καθ' ἐταιρείας—ἅμα τοῖς ἑαυτῶν πελάταις, οὐκ ὀλίγοις οὔσι, πολλὰ μέρη τῆς ἀγορᾶς κατεῖχον. x. 40: A decree of the plebs is to be stopt by force, εἰ μὴ πείθωσι τὸν δῆμον. The patricians are to come betimes into the forum, ἅμα τοῖς ἐταίροις τε καὶ πελάταις, and to scatter themselves about so as to separate the δημοτικόν. Now when ὁ δῆμος ἀπῆτει τοὺς ψήφους—διίστασθαι βουλομένοις κατὰ φυλὰς τοῖς δημόταις ἐμποδῶν ἐγίνοντο. 41. To the same effect is the proposition of M. Valerius in vii. 54.

though he were a freedman, was courted as a protector. As to a relation of hereditary dependence, they could hardly find any traces of such: their readers, since the revival of philology, have known of nothing of the kind; and thus it was impossible for them to form any other conception of the plebs, than that, as opposed to the nobility, it was a body of town-citizens, among whom the nobles had adherents and dependents under the name of clients, a relation however merely springing out of personal wants and terminating with them.

Nevertheless, though there was no contemporary example to throw light on the obscurity of the ancient term, the descriptions of the nature of the clientship might still have been sufficient to shew that the plebs, such as it appears in history, must essentially and necessarily have been far removed from any relation of the kind. Would not the maltreatment and oppression endured by the commonalty have been incredible in a state of clientship? when the patron was directed to protect his clients, and to promote their welfare, even against his own nearest kin. Could the clients ever have been in want of any other protection than that of their patrons? could they have needed that of the tribunes against any one whatever? And how could decrees have been passed in the assemblies, as they were afterward, adverse to the interests of the patricians, when these were the concern of every individual patron? Their clients, if they had thus injured them, would have become outlaws.

The surprising thing is, not that the clients were a totally different body from the plebeians; not that, as follows from what Livy says about the consequences of the Publilian law, they were not included in the tribes; but rather his express testimony that they had votes in the comitia of the centuries, even before the decemvirate¹³¹⁷. But for this, we should look upon them as

¹³¹⁷ Because the transfer of the election to the tribes was to destroy the influence which the patricians exercised through the *suffragia clientium*: see note 1312.

sojourners, like those in Greece, destitute of all political rights, and who could not even maintain their civil rights, except in the person of their patron and sponsor: but there is no force in analogy, when opposed to such a direct assertion. Only this certainly does not compell us to assume that all the clients were ærarian citizens, and that no part of them were metics in the Greek sense; although I apprehend that no mention of any such is to be found. It is surely incredible that Rome threw open even her lowest franchise so wide, that every foreigner on attaching himself to a patron might acquire it: what then would have been the advantage of the isopolites? and just as little can we suppose that foreigners, before a prætor for them was established¹³¹⁸, could come into court in their own persons¹⁹. Such foreigners settled at Rome were complete metics; and I conjecture that a part of the freedmen were in a similar condition. It looks so very unlike the early ages, that there should have been two forms for the selfsame purpose, and the distinction between them might so easily be lost, that I cannot persuade myself that a slave who was set free by the *vindicta*, gained the same degree of freedom as one by the census²⁰. By being registered in the census

1318 This measure was a political change of the highest importance. What led to it was not the too great pressure of the prætor's business,—to which for example the institution of the vice-chancellor's office in England has been owing,—but the alarm excited by the clients of the grandees, with whose patronage the members of the Italian confederacy might now dispense. The patron who came forward was the mask without which the client was not allowed to appear.

19 Hence, long after the clientship in its genuine form had ceased to exist, the person who came before the court in any particular case was called *patronus*.

20 Both these rights are traced back to the oldest times, only it is by personifications: the former to the release of the slave who disclosed the conspiracy of the Tarquins; the latter to Servius Tullius. This doubtless was the sole reason why his memory was especially venerated by slaves: though that circumstance was made use of to confirm the fable of his birth, and was referred to his name.

the Italians might acquire the franchise of citizens: but a person who was to have the same power as they had of exercising this great privilege, must surely have been free already: this, and no more, I conceive, did the slave become by the *vindicta*: and even by the census, before the censorship of Appius the Blind, he merely obtained the rights of an *æerarian*¹³²¹. In both stages, as merely free and as a Roman citizen, he was still a client of the master who had released him: in the former he would only have the rights of a *metic*.

Freedmen and their posterity probably made up the largest part of the clients; and among these the race of the original ones, such as they were in the time of Romulus, would in great part be merged. Among the *metics* and *æerarians* were the artisans; and if a plebeian gave up husbandry, he sank to the franchise to which these were confined. They too were not without the honour of having corporations sanctioned by law; and their guilds were in such high estimation that Numa was said to have been their founder. There were nine of them; pipers, goldsmiths, carpenters, dyers, curriers, tanners, coppersmiths, potters, and a ninth guild common to the other trades²². This part of the state never received that full developement, which as the guilds were connected with the centuries by means of the carpenters, the trumpeters, and the hornblowers, in the same way as the patricians were by the six *suffragia*, was no doubt designed for it.

Those among them who were independent pale-burghers, —isopolites who had not bound themselves to any patron, (if such a class existed), and the descendants of clients whose ties had dropt off on the house of their patrons becoming extinct—were unquestionably as entire strangers to the dissensions between the ancient burghers and the

¹³²¹ Plutarch Publicol. c. 7.

²² Plutarch Numa. c. 17. Again three times three.—How remarkable is the contrast with the ancient and great guilds at Florence!

commonalty, as the members of the Florentine guilds were to the feuds among the houses of Guelphs and Ghibellines. As to the clients, it is likely that the whole body were still subject to the orders of the patricians.



THE SECESSION OF THE COMMONALTY, AND THE TRIBUNES OF THE PEOPLE.

IN this divided state of the nation the preponderance of numbers may not have been so entirely on the side of the plebeians, as will probably be supposed by every one, even by such as have thoroughly got rid of the delusive notion that the patricians of those ages are to be regarded as a nobless; a class which in fact was to be found within both the estates. Had the superiority of the plebeians been so great as to leave no doubt that the issue of a contest with arms, since matters had unhappily gone so far, would be in their favour, they would never have contented themselves with a compact merely giving them back a part of the rights they had been robbed of. And yet the commonalty, if it stood together as one man, was evidently so strong, that their opponents betrayed the uttermost infatuation, when, instead of endeavouring to separate the various classes which composed it, they on the contrary wronged and outraged them all at once; the noble and rich, by withholding public offices from them; such of the gentry as without personal ambition were attached as honest men to the wellbeing of their class, by destroying its common rights and privileges; the personal honour of both, by the indignities to which such as stood nearest to the ruling party were the most frequently exposed, and by which men of good birth are the most keenly wounded; every one who wanted to borrow

money, and all the indigent, by the abominable system of pledging the person and of slavery for debt; in fine high and low, by excluding them from the public domains, where many, who had been stript of their property by the loss of the territory beyond the Tiber, might have found a home. The Valerian laws may not have been repealed; the twenty tribunes, such as they then were, may have had the right, when a person was condemned to servile corporal punishments, of snatching him from the gaoler, and bringing him before the court of the commonalty, which, as it surely could not assemble pell-mell, they themselves were to summon: but woe to him who durst do so against Appius Claudius!

When he and P. Servilius were consuls, in the year 259, a spark set fire to the inflammable matter which had thus been accumulated. An old man, who had escaped from his creditor's prison, in squalid rags, pale and famishing, with haggard beard and hair, implored in agony the help of the Quirites. A crowd gathered round him: he shewed them the bloody marks of his inhuman treatment: he told them that, after he had fought in eight and twenty battles¹³²³, his house and farmyard had been plundered and burnt by the enemy; the famine during the Etruscan war had compelled him to sell his all²⁴; he had been forced to borrow; his debt through usury had run up to many times its original amount: whereupon his creditor had obtained judgement against him and his two sons, and had laid them in chains. Disfigured as his features were, many recognized him to be a brave captain; compassion, indignation, spread an uprore through the whole city: all who were pledged, and all who had redeemed their pledges,

¹³²³ Dionysius VI. 26. This looks very like history; and yet is nothing more than another way of dressing up what Dionysius says in the preceding clause, that he had served all his campaigns. See above p. 439.

²⁴ I suspect that in the original representation he belonged to one of the ten lost tribes. The whole story reminds us and is a mere repetition of the one about the old soldier whom M. Manlius releases. Livy VI. 14.

flocked together; and all were clamorous for relief of the general distress.

The senate knew not how to act. The people spurned at the summons to enlist in the legions, which, with a view of diverting the storm, were to be levied against the Volscians: these and the Sabines are mentioned as the nations Rome was then at war with; for with the Etruscans and Latins she was at peace. Compulsion was impossible: but when P. Servilius issued a proclamation, that none who was in slavery for debt, should be hindered if he were willing to serve; and that, so long as a soldier was under arms, his children should remain at liberty untouched and in possession of their father's property¹³²⁵; then all who were pledged took the military oath. After a few days the consul, at the head of a victorious army, rich in glory and booty, the conqueror of the Volscians or Auruncians and of the Sabines, marched back to Rome. But the commonalty was bitterly deceived in its hopes that its oppression might be alleviated.

A great deal was said in the Annals of the way in which Appius Claudius from the beginning of the disturbances opposed every measure of humane and wise forbearance, and throughout their whole continuance persisted in the same obstinacy: probably this came from the family commentaries of the Claudii, who, priding themselves on their hatred of the people as the Valerii did on their hereditary love of the people, portrayed their ancestor with the characteristic features of their house; not that any historical accounts of him had been preserved. That house during the course of centuries produced several very considerable, few great men; hardly, down to the time when it became extinct, a single noble-minded one: in

¹³²⁵ This again seems to be nothing more or less than an account in a historical form of the origin of the *justitium*, which most probably produced this very effect.

all ages it distinguished itself alike by a spirit of haughty defiance, by disdain for the laws, and by iron hardness of heart: they were tyrants by nature, and now and then dangerous demagogues: Tiberius was not more odious than the earlier Claudii. Their character is visible in the story that such as had been slaves for debt were sent back to their prisons by Appius Claudius on their return from the field, and that such as were pledged were consigned by him without mercy to their creditors. But these sentences could not be executed; for the plebeians were in open insurrection; they protected all who were condemned: and the usurers who had obtained those detested judgements, the young patricians who in their zeal were lending a helping hand to the officers of the court, could hardly save themselves from their fury. Thus the year passed away¹³²⁶.

The next year, when the military season arrived, the consuls, A. Virginius and T. Vetustius, found it impossible to raise legions. The commonalty, assembling by night and secretly in the quarters inhabited exclusively by the plebeians, on the Aventine and the Esquiline, was immovable in its determination not to supply any soldiers; and the entreaties for lenity which they had begun with, now grew into a demand that all debts should be cancelled. The ferment was so violent, that the more mildly disposed among the patricians recommended the purchase of peace, even at this price: others trusted it would subside on the restoration of their liberty and property to those who in the hope of regaining them had

¹³²⁶ During this consulship it is said that the temple of Mercury was dedicated, an event connected with the institution of a guild of merchants; and that on this occasion an inspector of the corntrade was first appointed by the people: this magistracy was probably renewed every year, until the business was transferred to the ædiles, who at first had nothing to do with it. If the election rested with the *populus*, as Livy tells us (ii. 27), it is hard to understand how a centurion, M. Lætorius, that is, a plebeian, should be the first person who held this office.

marched the year before against the enemy. Appius insisted on severity: *the beggars*, he said, *are still too well off; their insolence ought to be quelled: a dictator will soon do it.* His friends would have placed him in this office: but the milder¹³²⁷ party prevailed in the election: and the measure by which its proposer intended to dare every thing and risk everything, became the means of a reconciliation by the appointment of Marcus Valerius²⁸. By a proclamation like the one Servilius had issued he engaged the plebeians to enlist: for they trusted in the power of the dictatorship, and in the word of a Valerius. Ten legions were raised²⁹, and three armies sent, against the Sabines, the Æquians, and the Volscians: everywhere the Romans were favoured by victory, more rapid and more brilliant than the senate wished it³⁰. The dictator was rewarded with distinguisht honours, but not with the release of the debtors from slavery, which, true to his word, he demanded. Thereupon he laid down his office, the power of which would have been a dangerous temptation

1327 The *Harten* and the *Linden* were the names of the parties in Appenzell during the last century.

28 Marcus he is called by Cicero, Zonaras, Livy; that is, by his manuscripts, in unison with Orosius: Manius by Dionysius and the Triumphal Fasti. Yet even in Dionysius, who places the beginning of the dissensions some years further back, the Valerius who at that time is well affected toward the poor, and who assuredly was meant for the dictator, is named Marcus. v. 64. I have already explained the corruption, above p. 530, n. 1198, 1199. Sigonius altered the text in Livy, supporting himself by the authority of those who in earlier times had allowed themselves to garble the truth for the sake of getting rid of contradictions: in this way Livy has been disfigured. Whoever does not distrust the completeness of the Fasti, must prefer Marcus, were it only because he had been consul: which no Manius had.

29 Here there is the most glaring exaggeration: at the Allia the Romans had only four regular legions.

30 In speaking of this war the two historians invert the usual proportion between their narratives: the copious one in Livy infers that in the old representations the exploits of the plebs, and consequently the unworthy conduct of their rulers, were set in a prominent light.

to put down the scandalous abuse of a formal right with a strong hand: the plebeians themselves owned that he could not do more to keep his faith, and full of gratitude conducted him from the Forum to his house.

The dictator's army, of four legions, had been disbanded after his triumph: but those of the consuls were still in the field¹³³¹: under the pretext that a renewal of hostilities was impending, they were commanded to remain under arms. Hereupon the insurrection broke out. The army appointed L. Sicinius Bellutus its leader, crossed the Anio, and occupied a strong camp on the Sacred Mount, in the Crustumine district³². The con-

¹³³¹ Although the words of Dionysius—*τοῖς ὑπ' αὐτοῖς ἐπέταξε μήπω λύνειν τὰ στρατεύματα* vi. 45—seem distinctly to express as much, yet elsewhere he follows an account by which the insurgents were only one of the consular armies. This in those days is said to have contained three legions: and when the tribune Brutus asserts that the emigrants were more than thrice as numerous as the Alban colony of Romulus (vi. 80), this is because every legion at the time, the tribes being twenty, had five cohorts and 3000 men, which is the number assigned to the Romulean colony: and Dionysius fancied that the seceders had been strengthened by new-comers from the city. 'So that in the passage—*τῶν γὰρ ἱερῶν ταγμάτων ἔτι κύριος ἦν (ἡ βουλή)* vi. 45—which is certainly corrupt, we ought probably to substitute *τριῶν*. Livy's account too, that the dictator brought forward his proposition in the senate after the return of the consul Vetustius, implies that only the three legions of the other consul were still in the field. It is true that on another occasion Dionysius imagined there were six legions: for this is all he means, when he makes Appius say that the emigrants were not so much as a seventh part of the 130000 Romans in the census (vi. 63); in other words, did not amount to 18600. That is to say, six legions on the above-mentioned scale consist of 18000 foot-soldiers: the cavalry, according to the views taken by Dionysius, are entirely left out of the account. This statement for a long time rather dazzled than deceived me by its delusive historical look: it is worth while to observe how this too, when critically examined, disappears.

³² Hence this secession was also called the Crustumerine. Varro de L. L. iv. 14. p. 24. The Sacred Mount had its name from being consecrated to Jupiter by the plebeians when they were leaving their camp. Festus v. Sacer Mons. Cicero Fragm. pro Corn.

suls and the patricians returned to Rome without injury or insult.

Many of the narratives in the earliest history of Rome betray their fabulous nature by the contradictions and impossibilities they involve: there are none such in the account of the first secession, as given by Livy, and much more fully by Dionysius: nor can we pronounce it to be quite impossible that a recollection of the various parties which divided the senate, and of their spokesmen, should be preserved; although unquestionably there were no traces of it in the oldest Annals. And yet the internal connexion here merely proves the intelligence of the annalist who drew up the story now adopted: as is clear from the irreconcilable contradictions between it and other stories, which at one time were no less in vogue. Cicero, who everywhere follows totally different Annals from Livy, speaks of the negociation of the dictator M. Valerius with the seceders, as of an undoubted fact; and attributes the glory of having effected the peace to him: for which reason, and not for any victories, the surname of Maximus and the most splendid honours had been bestowed on him¹³³³. A fragment of the same story is discernible in what Livy himself mentions in a passage far removed from the history of these times; namely, that the nail was once driven in by a dictator during the secession of the commonalty³⁴: for at the second secession no dictator could be appointed. The variations as to the number and names of the first tribunes of the people will be noticed further down. Lastly all the Annals were not agreed even on the point that the army took

¹³³³ Brutus. 14 (54). Videmus—cum plebes—montem, qui Sacer appellatus est, occupavisset, M. Valerium dictatorem dicendo sedavisse discordias etc.

³⁴ VIII. 18. Memoria—repetita, in secessionibus quondam plebis clavum ab dictatore fixum. This seems to be founded on the historical fact that the consular year expired before the election of the new magistrates, and that Valerius was dictator in the middle of September.

its station quietly on the Sacred Mount, and obtained its end without violence. Piso, as Livy tells us, wrote that the plebs occupied the Aventine: Cicero says, first the Sacred Mount, then the Aventine¹³³⁵: so does Sallust³⁶: and when Cicero makes the enemy of the tribunate assert that it originated during a civil war, while the strong posts of the city were seized and held by armed men³⁷, he refers to the same story. Piso himself perhaps did not deny the encampment on the Sacred Mount. Indeed it is utterly inconceivable that the commonalty should not have placed some troops to maintain its strong quarters in the city; as else the women and the helpless must have fled, or would have been seized as hostages: nor is it improbable that their doing so gave rise to the story of the meetings on the Aventine and the Esquiline before the insurrection. To these hills then such plebeians as dwelt scattered about the city retreated: on the Sacred Mount the legions encamped, and may have been joined by volunteers from the country round: here were the leaders, and here the treaty was negotiated.

Nor would the patricians have been able to keep this army out of the city, where the gates of the plebeian hills stood open to it: but every one of the seven was a fort³⁸; and thus the Palatine, Quirinal, and Cælian were no less defensible than the Capitol. These then were occupied by armed men, just as the Aventine was by the opposite party: and matters might have come, even without reaching the same pitch of violence as at Florence, to battles in the heart of the city; in the Forum, the Velabrum,

¹³³⁵ De Re p. ii. 33.

³⁶ Fragm. Hist. i. p. 935. Plebes—armata montem Sacrum atque Aventinum insedit.

³⁷ De Legib. iii. 8 (19.) Inter arma civium, et occupatis et obsessis urbis locis procreatum.

³⁸ Septemque una sibi muro circumdedit arces. Dionysius often speaks of the strong posts in the city, τὰ ἐρυμνά τῆς πόλεως.

the Subura. As the plebeians were far from being that common populace which makes up much the largest part of the inhabitants of most towns, so Rome too was far from empty : on the contrary thousands beyond doubt had come in from the country, where we cannot suppose that the patricians and their clients would be able to maintain their ground.

That the patrician houses could muster thousands capable of bearing arms, may be inferred from the example of the great German and Italian cities, out of which the burghers could send fifteen-hundred cavaliers, and more, completely armed into the field. The descendants of those who at one time formed the whole Roman nation, must still have been a large body : and the general fact that the members of the houses were very numerous, is one on which such traditions as give any statements bearing upon it speak clearly enough. Not that I would consider it as a historical assertion, that the Potitii about the year 440 counted twelve families and thirty grown up men* ; numbers of this sort occurring in the narratives from the priestly books are just as much matter of form as the well-known names in the lawbooks : and as to the three hundred Fabii, they stand on no surer ground than the three hundred thousand barbarians under Mardonius : or their wives and children are included. Still less will the story of their four thousand clients, and the five thousand of the Claudian house, authorize us to draw any historical conclusion as to the number of dependents the patricians had under their orders. Yet a general acquaintance with the state of things might enable the annalists to relate without danger of error, though without any definite traditions, that the patricians and their clients took up arms immediately after the secession, and that the headstrong adversaries of peace were so utterly infatuated as to dream that they were powerful enough to contend at once with

* Livy ix. 29.

the commonalty and with foreign enemies¹³³⁹. But with the same correctness they added, that the clients were artisans and tradesmen⁴⁰; a multitude which sent no soldiers to the legions, and which, being unused to arms, could not make head in the field against a peasantry inured to war.

This partition of its forces saved Rome. There was no ground for dreading a massacre like that at Corcyra; for the nation was not split into a few hundred rich men of rank on the one side, and thousands of proletarians standing in direct opposition to them, whose victory could not have been doubtful for an instant when once they should rebel. If hunger did not reduce the patricians, the attempt to force their quarters would have cost torrents of blood, and the result must at least have been uncertain: the victors too, standing amid the ruins, between two conquering nations, the Etruscans and the Volscians, would not long have had to exult in their unblest triumph. If the quarrel however had been prolonged after the appeal to arms, the patricians, possessing the incalculable advantage of being the government, would perhaps have had time and means to sow division among their opponents, and certainly to strengthen themselves by alliances. The annalist, from whom Dionysius took the advice he put into the speech of Appius, that instead of the insurgents the citizens of the colonies should be invited to receive the rights of the plebeians⁴¹, and that the isopolite franchise should be conferred on the Latins, had formed an admirable conception of the ancient state of things, or had weighed the laws and documents

¹³³⁹ Two of the leading passages from Dionysius—vi. 47 and 63—have been inserted above in notes 1313, 1314.

⁴⁰ Θῆτες, καὶ πελάται, καὶ χειρώνακτες. Dionysius vi. 51. The vulgus forense—opificum—sellulariorum.

⁴¹ vi. 63. Τοὺς ἐκ τῶν φρουρίων μεταπεμπώμεθα, καὶ τοὺς ἐν ταῖς ἀποικίαις ἀνακαλῶμεν. These are the Romulean colonies which had the Cærite franchise: the colonists, that is, those of the ruling tribe, he calls φρουρά: ii. 53. See also vii. 53.

preserved from that time with a perfect knowledge of their spirit. The explanation of the Latin confederacy must be postponed to the next volume, in order that the bulk of the present may not swell out of all proportion: however, this being necessary, I will here introduce the remark, that the treaty with the Latins, which recognized their equality as a state, was made in the year of the secession: and if an inference from the end to the means be anywhere allowable, there cannot be a question that it was aimed against the plebs, and that the conclusion of peace was decided by it*.

Livy's good sense taught him that this distracted state of the nation cannot have lasted many days: the Volscians and Æquians would not have been motionless spectators, waiting to take up arms or to sustain an attack until the Romans were reconciled and ready for war. The notion of Dionysius that four months passed in this way, may be easily shewn to rest on a deduction which is good for nothing¹³⁴². I do not indeed set much value on the story that the seceders neither destroyed nor ravaged anything on the estates of their enemies, and merely took the bread necessary for their sustenance: it belongs to the legends of the marvels wrought of yore by virtues no longer to be found: but when extended to such a period it becomes a monstrous exaggeration. If however the open war between the two estates was but short, it is conceivable that the commanders had wisdom and influence enough to restrain their followers from acts of violence, which would have obstructed a reconciliation.

* See the text to note 20, Vol. II.

¹³⁴² It was assumed that the first tribunes were chosen on the twelfth of December (Dionysius vi. 89), which however can only have been the day of election at the restoration of the office after the decemvirate, and thenceforward. This was combined with the breaking out of the insurrection under the consulship of Virginus and Vetustus, and also, it may be conjectured, with the dictatorship of M. Valerius on the ides of September.

The election of the new consuls was carried on by the *populus*: because the centuries, in the absence of the commonalty, could not be assembled. The right of a free choice among the candidates for the office had only been secured by the Valerian law to the regular *comitia*; the *curies* were restricted to voting on resolutions of the senate: and from the same reasons for which none but consulars were to be eligible to the dictatorship, those who were proposed on this occasion were men who having before been freely elected had borne the consulate with honour¹³⁴³. But though the design even then without doubt was to maintain this advantage, the legal mode of election must have been reestablished after the peace; and it was not till several years after that under more favorable circumstances a more decided attempt at this usurpation could be hazarded, when for a time it was successful.

Thus much may be considered as historical, that the proposal for an arrangement proceeded from the patricians. Their great council⁴⁴ empowered the senate to

1343 Dionysius vi. 49. Ὁ δὲ δῆμος, ἐπειδὴ παρῆν ὁ χρόνος ἐν ᾧ τὰς ἀρχὰς ἐπικυροῦν (*auctores fieri*) ἔδει, συνελθόντες εἰς τὸ πένδιον (this is his usual error by which to the *comitia* of the plebs in the forum he opposes those of the centuries in the *campus* as an aristocratical assembly, instead of the council of the *curies*), οὐδενὸς οὔτε μετιόντος τὴν ὑπατείαν, οὔτε διδομένην ὑπομένοντος λαβεῖν, αὐτὸς ἀποδείκνυσιν ὑπάτους ἐκ τῶν ἤδη εἰληφότων τὴν ἀρχὴν ταύτην. In my account I have translated this back again into that which Dionysius read without understanding it, and which was an unequivocal tradition from extremely accurate and authentic notices.

44 This assembly—the mention of which shews how carefully the *Annals* here copied the books of the augurs and pontiffs in representing the whole procedure according to the forms of the constitution—reduces Dionysius (vi. 67) to great straits; because he cannot conceive any *ecclesia* except that of the *demus*. It was the assembly however which by the original constitution had to decide in questions of peace and war (vi. 66), consequently that of the *curies*. How indeed should the senate have had the power of surrendering the rights of the estate by its own authority? To suppose that it was a plebeian assembly is altogether

negociate; and the latter sent the ten chiefs¹³⁴⁵ of its body on an embassy to the commonalty as to a victorious foe. The compact between the two estates—for the ambiguous word *patres* must here be referred, as it must generally in Livy's earlier books, to the patricians, not to the senate—was confirmed by a solemn treaty concluded by the fecials over the body of a victim; and all the Romans swore to observe it.

The terms of this act are very different from what one should look for, when the state of affairs was such, that the destruction of the patricians, although it would certainly have entailed that of the state, still appeared to be the more probable issue of the civil war. Being reduced to choose between present sacrifices to be made by individuals, and permanent ones by the order, the leaders of the senate decided with signal aristocratical wisdom: and as they had contrived to gain the Latins by entering into a confederacy with them, with like policy they detached the cause of the multitude from the interests of the men of rank in the second estate, who, when deserted by the lower orders, became powerless. The plebs neither gained the

absurd, as in fact the sagacious writer very clearly perceives. Nor can it even be the mixt one of the centuries; for this could only collect on the field of Mars, whereas here the Vulcanal (τὸ ἱερόν τοῦ Ἡφαίστου) is expressly mentioned as the place of meeting. That temple lay above the Comitium (the passages to prove this are collected by Nardini, i. p. 272; who however mistakes the Comitium and its locality) on the lower edge of the Palatine, and was considered a part of the Comitium, the very place where the patricians held their assemblies. See p. 534, note 1205.

¹³⁴⁵ The list of their names in Dionysius (vi. 69) is very probably authentic: and that these ten were the *decem primi* is proved by the words just before, οἱ ἐπιφανέστατοι τῶν πρεσβυτέρων, that is, of the *gentes majores*, and by the passage quoted above in note 784. Even though they were not clearly aware of this, the editors ought not to have filled up the list by inserting the name of Sp. Nautius, of whom Dionysius had just said expressly that he was the first among the *νέοι*.

consulate, nor any other honours¹³⁴⁶: the rights of the patricians were not altered; all that was done was to give force to the Valerian laws. On the other hand, although Livy says nothing of any stipulations in behalf of the debtors, yet, as their distress was the source of the commotion, and the insurgents could not yield on this point without abandoning themselves, we cannot hesitate to believe the account in Dionysius, that all the contracts of the insolvent debtors were cancelled, and that all who had incurred slavery by forfeiting their pledges or not paying their fines, recovered their freedom⁴⁷.

But here too the sacrifice made was only for the moment; for the patricians managed to prevent any change in the law of debt. Without doubt its abolition was demanded: and if Agrippa's purpose was to convince the plebeians that they themselves could not dispense with money-dealings, nor consequently with severe laws to protect them, we discern the bearings of his fable, which cannot possibly be made applicable to the political state of things. The belly was the type of the capitalists*: in their capacity of governors the patricians would have been entitled to a less ignoble symbol.

1346 Were there not reason to suspect that every story, which redounds to the honour of a Valerius, is apocryphal and derived from Antias, it might look as if the admission of four hundred rich plebeians into the equestrian order, attributed to the dictator M. Valerius (Dionysius vi. 44), ought to be referred to the treaty between the estates; and to be regarded as a politic device for separating the leading plebeian notables from the rest of their order.

47 Dionysius vi. 83. What is found in Zonaras, vii. 14, amounts to the same thing; and they are supported by Cicero's whole view of these events, as to the necessity of violating the letter of the law. De Re p. ii. 34.

* This is the way Dion seems to have understood it. Τούτοις τοῖς λόγοις τὸ πλῆθος συνῆκεν, ὥς αἱ τῶν εὐπόρων οὐσίαι καὶ τοῖς πένησιν εἰσὶν εἰς ὠφελείαν. καὶ εἰ κάκεῖνοι ὠφελοῖντο ἐκ δανεισμάτων, οὐκ εἰς βλάβην τοῦτο τῶν πολλῶν ἀποβαίνει, ὥς εἴ γε μὴ ἔχοιεν οἱ πλουτοῦντες, οὐδ' οἱ πένητες ἂν ἐν καιροῖς ἀναγκαίοις ἔξουσι τοὺς δανείσοντας, καὶ ἀπολοῦνται. Zonaras vii. 14.

With regard to the cancelling the debts Cicero pronounces, that there was certainly some reason in the measures taken by statesmen of old to relieve the general distress brought on by the excessive pressure of debts, as had been done even by Solon, and several times by the Romans¹³⁴⁸. Ten years after indeed he thought otherwise, and peremptorily condemned all such violent extremities⁴⁹: for in the interval he had been the witness of ruinous acts of arbitrary power, committed by the victorious party whom he abhorred. This question is one of those on which assuredly no inconsistency is betrayed by a change of opinion in consequence of fresh experience and under a different state of things. If a person approves of Sully's diminishing the interest payable to the public creditors, who were swallowing up the revenues of the state, and of his deducting the usurious profit they had long enjoyed from the principal; if he is aware how lowering the interest, or the capital of its debt, or the standard of its currency, has been the only means whereby more than one state has been able to save itself from the condition in which the whole produce of the ground and of labour would have fallen into the hands of the fundholders⁵⁰; if he knows how speedily and easily such wounds as this class sustain

¹³⁴⁸ Several times unquestionably; and in Cicero's youth by the law of L. Valerius Flaccus, a patrician. So greatly were circumstances changed.

⁴⁹ De Offic. II. 22.

⁵⁰ So that a bankruptcy must still have taken place in the end. A state which sacrifices its tax-payers to the public creditors, may be said *propter vitam vivendi perdere causas*. Hume and Burke have declared that this idolatry of the national debt is worshipping Moloch.

Happy the times when one cannot have to talk of such extreme cures, the produce of all property and of labour having increased in the same, nay in a greater, proportion than the demands of the state, and when the fundholder is rather conducive to its prosperity! But such times are a bounteous gift of fortune, which will hardly be enjoyed again for many ages in the same way as it was enjoyed by Germany before the thirty-years war and before the revolution.

in their property heal; if he considers this, when reviewing the history of the states of antiquity, which were drained by private usury, he will be favorable to measures which tend to preserve hereditary property and personal freedom, as Solon was. As to any assignment of the public domains to the plebeians having been agreed to, it is exceedingly improbable¹³⁵¹.

Whatever may have been done for the debtors, all traces of it had vanished within a few years: for the good effected was soon done away with, Rome for a long time being visited by misfortune after misfortune. But the measures taken to compose the internal dissensions gave birth to an institution, of a nature wholly peculiar, dangerous only as great intellectual powers and animal spirits are dangerous, which spread the majesty and the empire of the Roman people, and preserved the republic from revolutions and from tyranny; I mean the tribunate.

Little as the earl of Leicester foreboded, when he summoned the deputies of the knights and commons to the parliament of the barons, that this was the beginning of an assembly which was at one time virtually to possess the supreme authority in the kingdom; just as little did the plebeians on the Sacred Mount foresee, when they obtained the inviolability of their magistrates, that the tribunate would raise itself by degrees to a preponderating, and then to an unlimited power in the republic, and that the possession of it would be sufficient, nay in point of form would be indispensable, to lay the foundation of monarchical supremacy. Its sole purpose was to afford protection against any abuse of the consul's authority⁵²; to uphold the Valerian laws, which promised the plebeians that their life and person should be secure against arbitrary force. The only innovation consisted in making the tribunes inviolable:

¹³⁵¹ In Dionysius (VI. 44) M. Valerius says he had excited the indignation of the patricians by a measure of this kind. See note 1346.

⁵² *Auxilii latio adversus consules*: Livy. *Βοήθεια*: Dionysius.

which induces us to suspect that, when the tribunes before this time came forward in behalf of such as were maltreated, they had themselves lost their lives or suffered insult: and hence we might wonder that this clause should have been of any avail. It became so, because an offender, however powerful, was outlawed by it, so that no one who should kill him could under any pretext be brought to trial for such an act; and the criminal's house was forfeit to the temple of Ceres¹³⁵³. From the nature of his office as a public guardian, the tribune's house was kept open night and day for all who called to him for succour; and this he had the power of bestowing against every one, whosoever it might be; against violence and wrong done by a private individual, and against a magistrate.

That the tribunes of the several tribes must already have had the right of bringing propositions each before his own tribe, is a matter of course; and supposing that, whether by election or tacit agreement, one out of every ten was chosen to preside over the whole order, these officers, though not yet inviolable, must needs have been entitled to bring similar propositions before the general assembly of the commonalty. Here again however it is mentioned on a specific occasion as a step gained by the rights of the commonalty, that soon after the treaty between the estates the plebs enacted terrible punishments for securing the privilege of the tribunes to lay propositions before them. If any one impeded and interrupted a tribune who was addressing the plebeian assembly, he was to give bail to the college of tribunes for the payment of whatever mulct they should affix to his offense in arraigning him before the commonalty: if he did not, his life and property were to be forfeit⁵⁴. This law is represented by

¹³⁵³ Dionysius vi. 89. The formulary in Livy, iii. 55, by which the head of the criminal is devoted to Jupiter, belongs no doubt, as he represents it, to the period after the decemvirate.

⁵⁴ Dionysius vii. 17. I shall shew in the proper place that he carries this ordinance much too far back: but this is no reason for looking upon it as apocryphal.

Dionysius as a mere decree of the plebs; but its nature is such that it could not have been past without the agreement of the other estate.

It was a controverted point even among the ancients, whether the tribunate was a magistracy? They who would not allow any office to be so, unless its authority extended over the whole nation, denied it; and with justice, so far as relates to the earlier ages; but with regard to the later they stickled about an empty shadow. In the seventh century of the city the tribunes were to the fullest extent a national magistracy; during the first two centuries of their existence they were no less decidedly a mere plebeian magistracy: but a magistracy they were incontestably: only their province was neither government nor administration. In their most essential character they were representatives of the commonalty; and as such, protectors of the liberties of their order against the supreme power, not partakers in that power: as such too, not empowered to impose a mulct, but only to propose its imposition to the commonalty¹³⁵⁵. Neither were they judges between a consul and the person he had sentenced to corporal punishment; but only mediators, in order that the plebeian court might assemble without obstruction, and that meanwhile the appellant might remain at liberty harmless. They were the senses of their order; bringing before it what they perceived, for its consideration and decision; and till it decided they prevented any irrevocable act.

In this manner they interposed whenever the liberties of the plebeians were infringed. The determining on war and peace, so long as the earliest state of things continued, rested with the curies, after the preliminary deliberation of the senate. But when the commonalty was recognized as a free half of the nation, and furnished the whole infantry of the army, there were no laws to which its consent

¹³⁵⁵ They were not able *multam dicere*, but only *irrogare*.

should have been more indispensable than to those by which war was declared. This however was the very point the patricians were the most anxious to evade bringing before the centuries; and naturally so: for, as the plebeians were excluded from sharing in the profits of war—from sharing in the conquered territory always, and not unfrequently in the booty, when it was sold and the produce went into the chest of the patricians—they were little disposed to sacrifice their lives or their blood. Now in this case the assent of the tribunes, either express or silent, served as a substitute for that of their order, and was a way of maintaining its rights: on the other hand a refusal to serve derived strength from their prohibition; since none could seize the plebeian whom a tribune protected, without laying hands on his inviolable person. All this ceased when the rights of the commonalty were established. In like manner the veto was often needed to rescue a person from the levy, who had only been taken for the sake of venting some private grudge against him, when beyond the mile of the civic liberties, where the consul's authority became unlimited.

It often happened that the preventive power of the tribunes was insufficient to hinder such acts of tyranny; or even to preserve the solemn treaty from direct infringement. In such cases it was necessary that they should be able either to take the law into their own hands or to demand its execution: by the original spirit of their office they could only do the latter. We should expect to find that this demand was to be made before a mixt jury under a foreman: but the compact had been ratified by oath, under the form of a treaty between the two estates; and, by a universal principle of Italian international law, a people that had been injured either collectively or in the person of one of its members, had the right of trying the foreigner whom it charged with such an offense: and if any treaty with his countrymen existed, they were bound to deliver him up for that purpose. They themselves were

not competent to try him: for indulgence would have been more than pardonable in a state of manners which under many relations, such as that among the members of the same gens and that between a patron and his clients, made it an imperative duty not to condemn even the guilty; in a state of manners akin to that where compurgation was obligatory: but the judges being sworn, it was expected that, if their enemy were proved innocent, they would acquit him. Whether this belief did not rest on an innocent dream, and lead to acts of injustice, is another question: but on these grounds the tribunes had the right of arraigning consuls and other patricians before the commonalty. The existence of this right implies that the patricians had the same against any plebeians who were chargeable with a like offense against their order.

That the consuls after the expiration of their magistracy should have been amenable to the commonalty for misdemeanours against the whole republic, would be so at variance with all the relations unequivocally apparent in these ages, that, if the instances of charges preferred by tribunes on account of such misdemeanours during the third century could in other respects be regarded as historical, we should have to seek for a different explanation of them. According to the spirit of the constitution in those days the curies were the only judges in all that concerned the administration of the republic: and so the tribunes must have had the right of coming before them as accusers, if the quæstors failed in their duty.

The tribes were first made a branch of the legislature by the Publilian law. Until then they could only pass resolutions, as every other corporation can, which merely bound their own body. On this as on other points Sylla, when he took away the right of proposing laws from the tribunes, was unquestionably restoring the letter of the constitution out of an age which had past away, and which he everywhere aimed to revive.

That the number of tribunes at the first was only two, all the accounts in effect agree¹³⁵⁶: as to their names they differ: C. Licinius and L. Albinus however seem to be pretty certain⁵⁷. Though Sicinius had been chosen commander, he was not one of the first, but only added to them afterward: this seems distinctly to favour the conjecture that at the time of the secession the former were already invested with the office, which as then was still insignificant; whereas Sicinius was selected to lead the army as the fittest person in case the affair ended in war. With regard to the subsequent changes in the number we find divers accounts. According to Piso there were but two down to the Publilian law, U. C. 283⁵⁸: according to Cicero they continued to be two for the first year, and the next the number of the college was raised to ten⁵⁹: according to Livy the two original ones presided at the election of three others, of whom Sicinius was one. What discrepancies are these! Cicero's statement, so far as it is at variance with the account that the number was not raised to ten till six and thirty years after the institution of the tribunate, may be regarded as certainly wrong: besides it is surely in the highest degree improbable that the Publilian law should have introduced a number containing a direct reference to the centuries, from which it took

¹³⁵⁶ Even Dionysius, vi. 89, who first names two, and then proceeds, *ἐπὶ δὲ πρὸς τούτοις*. Livy is quite express on this point: so are Cicero pro Corn. and de Re p. ii. 34; Tuditanus and Atticus in Asconius on the Cornelian; Lydus de Magist. i. 38. 44; Zonaras vii. 15.

⁵⁷ These are named by Livy and by Lydus i. 44: the latter in these statements always follows Gaius, that is mediately, Gracchanus. In Asconius indeed we find *Sicinius* instead of *Licinius*; and the surname proves that it is not an error of the scribe: but *L. Junius* is a mistaken alteration made by Manutius: the Laurentian MS, Liv. 27, has *Lactinius*; which confirms *L. Albinus*. L. Albinus, *de plebe Romana homo*, leads the Vestals to Cære: Livy v. 40. The fictitious L. Junius Brutus appears nowhere except in Dionysius.

⁵⁸ Livy ii. 58.

⁵⁹ Cicero Fragm. Cornel.

away the election; and should have done away with one bearing a proportion to the number of the tribes, to which it transferred the election. For the five tribunes were chosen one from each class¹³⁶⁰, as two were from each after the number was doubled⁶¹: a relation which cannot possibly have continued, when the constitution of the centuries had undergone a thorough change.

Officers who were the representatives of the several classes, must needs have been chosen by each severally: nor can we suppose that they should have been so by a majority of the centuries taken collectively. This was an approach to that equality which must have prevailed in the assembly of the tribes: except that the plebeian knights were excluded⁶², as well as the locupletes below the fifth class: for the proletarians, it is probable, were not originally admitted to vote even in their tribes. A far more important restriction lay in the dependence of the centuries upon the auguries, and in the right of the clients to vote in them: but one beyond all compare more momentous was, that at first the tribune elect was to be approved of by the patricians in the curies⁶³. In a negotiation conducted with address this concession might be gained under the specious colour of its being for the good of the plebs itself that its officers should not be personally offensive to the first estate: it might also be suggested that it was more dignified to have the same mode of election as that by which curule offices were filled; although the law concerning the

1360 *Quinque creatos esse, singulos ex singulis classibus.* Asconius on the Cornelianæ. See above p. 446.

61 *Decem creati sunt, bini ex singulis classibus.* Livy III. 30.

62 On this point again we see how artfully the patricians endeavoured to divide their opponents: here however on the whole their efforts were vain.

63 Dionysius VI. 90: after the election by the plebeians, *τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχὴν ψήφον ἐπενέγκαντας.* And after the Publilian law the consuls reproach the tribunes: *οὔτε αἱ φράτραι τὴν ψήφον ὑπὲρ ὑμῶν ἐπιφέρουσιν.* X. 4. See above note 849.

imperium of a magistrate, which he himself proposed to the curies, was something very different from this acceptance: and as the curies had to accept, they might also reject¹⁵⁶⁴. That their share in the election was confined to this, is placed beyond a question by the passages just quoted from Dionysius⁶⁵: although it has been misinterpreted into an election at their comitia, and that too by the ancients, by Dionysius himself, and even by Cicero⁶⁶. The former however, as he was led in other places by the well-informed writers he followed to see the matter in its true light, felt perplexed; because he had a suspicion, even if he did not find it distinctly stated, that the plebs was not comprised in the curies; and he therefore distributes it amongst them⁶⁷ for the purpose of this election. If we reflect how very easily the election and the confirmation might be confounded, we shall look on those passages as decisive, in which Dionysius takes a clear view of the subject, and which are in perfect harmony with the whole system of the ancient constitution. That the commonalty should have entrusted the choice of its representatives to

1364 It is a remarkable instance of what may be effected by public opinion and by the dread of it, to find that all the influence of the clientry, and of personal intrigues, was not able to prevent the election of the most eminent men, who faithfully discharged their duties to their order.

65 If this historian, who is so precise in his expressions, had meant to say, *the curies do not elect you*—and not, *they do not vote about you after your election*—he would have said, ὑμᾶς οὐ χειροτονοῦσιν.

66 Dionysius vi. 89. Νεμηθεὶς ὁ δῆμος εἰς τὰς τότε οὔσας φρατρίας, ἣ ὅπως βούλεται τις αὐτὰς προσαγορεύειν—ἄρχοντας (that is, δημαρχοὺς) ἀποδεικνύουσι. x. 41. Publilius μετὰ γων (the elections) ἐκ τῆς φρατριακῆς ψηφηφορίας, ἣν οἱ Ῥωμαῖοι κουριάτην καλοῦσιν, ἐπὶ τὴν φυλετικὴν. Cicero Fragm. Corn. Itaque auspicato postero anno x tribuni pl. comitiis curiatis creati sunt.

67 vi. 89: quoted in the preceding note. The expression τὰς τότε οὔσας is very remarkable.

the patricians is an absolute impossibility: the unanimity among the plebeians however may easily have been so great, that, as tribunes were at all events to be appointed, the right of refusing to confirm their election may have availed the patricians but little. Nor, if one solitary creature of theirs was thrust in by the votes of the clients, was this material, so long as questions within the college were decided by the agreement of the majority among themselves: and the contrary practice was not introduced till after the decemvirate and the revival of the abolished office. The authors of the ancient books, who ascribed this innovation to the most virulent of all the patricians, Appius Claudius¹³⁶⁸, were mistaken about the date of this change in the constitution; but they were aware of its incalculable importance: the tribunes, from being representatives of the commonalty and merely authorized to report to it, were by this measure converted into magistrates each individually wielding a power of his own.

As a corporate body the commonalty, beside its representatives, required certain peculiar and local magistrates. Such were the *ædiles*, whose office is said to have been instituted after the treaty of the Sacred Mount; and, like that of the tribunes, may probably have been older. The nature of their duties in early ages is very uncertain: they are represented as having been immediately subordinate to the tribunes, and as having been judges in such causes as they were appointed to decide by these their superiors⁶⁹. That they exercised a kind of police is unquestionable: the inspecting the markets however is said not to have been assigned to

¹³⁶⁸ Livy II. 44. IV. 48. In the former of these cases the matter is decided by the majority, four against one.

⁶⁹ Δίκας ὥς ἂν ἐπιτρέψηνται ἑκεῖνοι (the tribunes) κρινούντας. Dionysius VI. 90. Τὸ ἀρχαῖον ἐπὶ τούτῳ ἡρῶντο (as keepers of the archives) καὶ ἐπὶ τῷ δικάζειν. Zonaras VII. 15.

them till later¹³⁷⁰: at all events their power must have been confined to their own order. The temple of Ceres was under their peculiar guardianship; where no doubt they from the first kept the archives of the commonalty, as they did subsequently the decrees of the senate⁷¹: hence probably their office got its name. This temple stood in the plebeian suburb, though not on the Aventine, but by the Circus⁷²: the valley of Murcia, like the neighbouring hill, had been allotted to the commonalty by Ancus*. The goddess of agriculture was the immediate patroness of the class of free husbandmen: hence the property of all who insulted the plebeian magistrates was confiscated for the treasury of this temple: and here the poor plebeians had bread distributed to them⁷³, of course under the superintendence of the ædiles. This must have been the way of laying out the produce of such fines as were imposed, not by the whole nation, but by the plebs, in part on charges brought forward by the ædiles: who must needs have had the management of the public chest of the commonalty.

The noblest and most salutary forms and institutions, which, whether in civil or moral societies, are bequeathed from generation to generation, after the lapse of centuries will prove defective. However exquisitely fit they may have been when they were framed, it would be necessary that the vital power in states and churches should act instinctively, and evince a faculty of perpetually adapting itself to the occasion, as the ship *Argo* did when it spoke, if such a fitness is to last. As it is however, they either

¹³⁷⁰ Zonaras proceeds: ὕστερον δὲ καὶ ἄλλ' ἅττα, καὶ τὴν τῶν ὀνίων ἀγορὰν ἐπετράπησαν. According to Pliny however (H. N. xviii. 4) they had some share in the management of the corntrade even before the year 315.

⁷¹ Livy iii. 55.

⁷² Nardini iii. pp. 242, 243.

* See above pp. 348, 349.

⁷³ Varro in Nonius v. pandere (l. 209).

continue without any outward alteration; and then are only the more certain of becoming a mere lifeless shell: or they are gradually developed and transformed; during which process their original purpose is usually but little thought of, and often totally misunderstood: nay the condition of the persons for whose sake the institutions were first enacted, will often undergo so great a change that there ceases to be any room for such a purpose. And then, should any one perceive that what is now oppressing and harassing us would not have existed but for these forms and the events which fashioned them, he may unthinkingly turn his displeasure against them; may wish, not that they were suitably modified, but that they had never been; and may extoll what they did away with, without knowing what it was, without asking what and where he himself would be, but for those institutions which now in their turn have outlived themselves.

In this spirit does Quintus Cicero in the Dialogues on the Laws inveigh against the tribunate: which indeed was in his days a source of so much vexation and heartfelt sorrow to every honest citizen, that one easily understands how they could overlook the good which even in the desperate disorder of those times ought to have been sought and might have been obtained from it. But the native of Arpinum should have remembered that, but for this office, his birthplace, which made him a Roman citizen, would have continued to be an insignificant town of the Volscians; that, but for the establishment of the liberties of the plebeians, his beloved brother would never have become, what by his consular power he had been for a year,—and that year worth a whole life—and what he was to all eternity by the power of his mind, the head of the Roman world: yea, that the man who turned the weapons of the tribunate against the father of his country, was a Claudius, whom nothing but abuse had made a tribune.

Perhaps even Marcus Cicero himself was not fully aware how small and humble the power of the tribunate

originally was: nevertheless he soars above prejudices, and declares, that Rome ought either to have retained the monarchal government, or that it was necessary to grant freedom in good earnest, and not merely in empty words, to the plebs¹³⁷⁴.

But for this institution, which was dictated by necessity, the two estates could not have subsisted side by side in a republic: a king, even in an elective monarchy, might have prevented any such necessity from arising: in a hereditary one it would never have been felt. Among the Greeks the prince, the offspring of a heroic race and the ward of Jove, did not belong exclusively to any part of the state: the inhabitants of the newly acquired territories, if they resigned themselves heart and soul to his sceptre, were loved and cherished by him no less than the houses of the most ancient of the ruling tribes: he was able to provide that every free man should enjoy all the rights he was entitled to by his actual condition and by his services: and many a disparity may be forgotten where there is a common bond of personal attachment. But this conservative form of government was unknown to the Romans, so far as our history goes back, as it was perhaps throughout the whole of ancient Italy. No sooner had it disappeared among the Greeks, than the houses began to oppress the commonalty, the towns to oppress the countrypeople; and with few exceptions it was to their own ruin. For some powerful members of the houses offered themselves to the disaffected as their champions, and combining with the commonalty or the population of the surrounding country, and with a party of the ruling burghers, made themselves masters of the supreme power. This was the origin of the tyrants, who were to be found in all parts of Greece during a period of 150 years down to about the 70th Olympiad: some few among them were deserving

¹³⁷⁴ De Leg. iii. 10. (25). Aut exigendi reges non fuerunt: aut plebi re, non verbo, danda libertas.

of their odious name; their authority in every instance was founded on usurpation; in themselves they were often benevolent, just, and wise; their influence was mostly salutary. For the institutions which had newly grown up, had time to gain strength and steadiness under their dictatorship; since they stood as a personal guardian power by the side of the state; and, when they laid down their authority, it was like a youth who had reached the age of discretion under wise tutelage. Now because the old governments refused to accede to any reasonable terms, revolutions ensued: and from this consequence the Roman patricians escaped, not through their wisdom, not through their firmness, but through the establishment of the tribunate. It is a profound remark of Cicero's¹³⁷⁵, that it was a check to the fierce bursts of the people's fury, the task of resisting oppression being undertaken by their chosen representatives, who in conducting the opposition moderated, and often quieted it. To judge from the lessons of Greek history, it was no less fortunate for the patricians that the members of their order were from the first excluded from this office; although this arrangement was probably made by the plebeians for their own security.

By the leaders of this estate, who looked forward to the time when their posterity should partake in the curule honours, this office was doubtless designed to be merely a transient institution; which was to be dropt when that end should be reached. Their wishes were fulfilled: the plebs kept on increasing in power and in dignity; the patricians, from being a branch of the nation, dwindled into an insignificant number of families: the nobless of the two orders was united, and enlarged by fresh ennoblements: the plebs as an estate had no longer any oppression to dread: yet the tribunate did not pass away. But it now put on a totally different character: it became a mode of representing the whole nation, even the patricians; although they neither elected nor were eligible to it. From this time

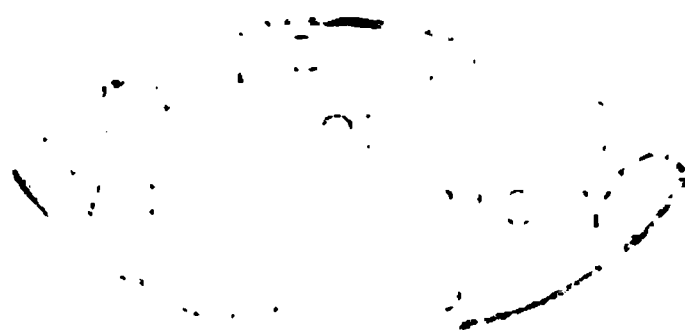
¹³⁷⁵ De Leg. iii. 10 (24. 25).

forward the tribunes are entitled to the name of tribunes of the people, as we are in the habit of calling them from the beginning; so much so indeed that it will hardly be possible to abstain altogether from using this name in the earlier ages, when as yet it was not appropriate¹³⁷⁶. The people in a strict sense is the whole nation, and its sovereign assembly as contradistinguished from the senate, such as it existed at Rome after the Hortensian law: but this word of many meanings acts with an intoxicating effect upon the mind; and the conscientious historian will therefore be glad to find substitutes for it: fortunately the institutions of the middle ages have supplied one for the times of convulsion and dissension, which is perfectly accurate and sober.

In the later history of the Roman republic we find the tribunician power carried to such a pitch by the changes in the state of things and by its own usurpations, that it overtops the consuls and the senate, nay the people itself: and yet no one had learnt from the experience of the past that those branches of the state, which were then in need of the same shelter as the plebeians had once needed, had a right to receive it. In the course of centuries things went so far that the tribunes no longer stood over-against the supreme authority as representatives of the nation, but were tyrants elected for the term of their office: a kind of national convention: under a notion like that which prevailed during the revolutionary frenzy that the full powers nominally conferred by an election, where the greater part of the constituents vote without at all knowing what they are doing, bestow an unlimited authority. This however was only the last stage of the tribunate: the century and a half, on the history of which we are now

¹³⁷⁶ The old German writers call the tribunes *Zunftmeister* (masters of guilds or aldermen), which has an odd sound enough: but in selecting this name they were guided by a just feeling that the plebs stood in the same relation to the houses as the guilds did.

about to enter, are the period of its blameless struggles in behalf of its own estate and of the whole nation ; struggles by which the greatness and glory of Rome were achieved and secured for a still longer period.



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